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Washington, Thursday, August 2, 1945

## The President

### EXECUTIVE ORDER 9595

**AUTHORIZING THE SECRETARY OF WAR TO TAKE POSSESSION OF AND OPERATE THE PLANTS AND FACILITIES OF THE UNITED STATES RUBBER COMPANY, LOCATED IN OR AROUND DETROIT, MICHIGAN**

WHEREAS after an investigation I find and proclaim that the plants and facilities of the United States Rubber Company, located in or around Detroit, Michigan, are equipped for the manufacture and production of articles and materials that are required for the war effort, or that are useful in connection therewith; that there are existing interruptions of the operation of said plants and facilities as a result of a labor disturbance; that the war effort will be unduly impeded or delayed by these interruptions; and that the exercise, as hereinafter specified, of the powers vested in me is necessary to insure, in the interests of the war effort, the operation of these plants and facilities;

NOW, THEREFORE, by virtue of the power and authority vested in me by the Constitution and laws of the United States, including Section 9 of the Selective Training and Service Act of 1940 (54 Stat. 892) as amended by the War Labor Disputes Act (57 Stat. 163), as President of the United States and Commander in Chief of the Army and Navy of the United States, it is hereby ordered as follows:

1. The Secretary of War is hereby authorized and directed, through and with the aid of any persons or instrumentalities that he may designate, to take possession of the plants and facilities of the United States Rubber Company, located in or around Detroit, Michigan, and, to the extent that he may deem necessary, of any real or personal property, and other assets wherever situated, used in connection with the operations thereof; to operate or to arrange for the operation of the plants and facilities in any manner that he deems necessary for the successful prosecution of the war; to exercise any contractual or other rights of the United States Rubber Company, and to

continue the employment of, or to employ, any persons, and to do any other thing that he may deem necessary for, or incidental to, the operation of the said plants and facilities and the production, sale and distribution of the products thereof; and to take any other steps that he deems necessary to carry out the provisions and purposes of this order.

2. The Secretary of War shall operate the said plants and facilities in accordance with the terms and conditions of employment which are in effect at the time possession thereof is taken, subject to the provisions of Section 5 of the War Labor Disputes Act.

3. The Secretary of War shall permit the management of the plants and facilities taken under the provisions of this order to continue with its managerial functions to the maximum degree possible, consistent with the aims of this order.

4. The Secretary of War is authorized to take such action, if any, as he may deem necessary or desirable to provide protection for the plants and all persons employed or seeking employment therein, and their families and homes. All Federal agencies, including but not limited to the War Manpower Commission, the National Selective Service System, and the Department of Justice, are directed to cooperate with the Secretary of War to the fullest extent possible in carrying out the purposes of this order. Upon request of the Secretary of War, the Department of Justice, through the Federal Bureau of Investigation, shall immediately undertake an investigation of any matter affecting the operation of said plants, facilities, and property.

5. Possession, control, and operation of any plant or facility, or part thereof, taken under this order shall be terminated by the Secretary of War within 60 days after he determines that the productive efficiency of the plant, facility, or part thereof prevailing prior to the existing interruptions of production, referred to in the recitals of this order, has been restored.

HARRY S. TRUMAN

THE WHITE HOUSE,  
July 30, 1945.

[F. R. Doc. 45-14114; Filed, Aug. 1, 1945;  
10:48 a. m.]

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Book 2: Titles 32-50, with 1943 General Index and 1944 Codification Guide.

The complete text of the Cumulative Supplement (June 1, 1938-June 1, 1943) is still available in ten units at \$3.00 each.

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#### Chapter III—Farm Security Administration

##### PART 300—GENERAL

DELEGATION OF AUTHORITY TO ASSISTANT ADMINISTRATOR WITH RESPECT TO REAL ESTATE AND REAL ESTATE LENDING AND SERVICING, RURAL REHABILITATION LENDING AND SERVICING, COOPERATIVE AND MEDICAL AND HEALTH PROGRAMS

##### Correction

In the second paragraph of Federal Register Document 45-13511, appearing at page 9206 of the issue of Wednesday, July 25, 1945, the name "Nobel" should read "Noble."

### TITLE 7—AGRICULTURE

#### Chapter I—Office of Marketing Services

##### Subchapter C—Regulations Under the Farm Products Inspection Act

##### PART 51—FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION AND CERTIFICATION)

##### BASIS FOR CHARGES

Pursuant to the provisions of the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531, as amended; 7 U.S.C. 499a et seq.), and the provisions of the Department of Agriculture Appropriation Act, 1946, approved May 5, 1945 (59 Stat. 136), the provisions in § 51.36 of the regulations issued thereunder relating to inspection and certification of fruits, vegetables, and other products (7 CFR, Cum. Supp., 51.36; 10 F.R. 1691), are hereby amended to read as follows:

§ 51.36 *Basis for charges.* The fee for each lot of products inspected by a salaried inspector acting exclusively for the Department of Agriculture, except for peanuts, pecans, and other nuts, and except under the provisions of § 51.19, shall be on the following basis: For an inspection covering quality or condition, \$5.00 when the quantity involved is more than  $\frac{1}{2}$  a carload of the customary size for such products in the area from which shipped but not more than a full carload, and \$3.00 when the quantity involved is not more than  $\frac{1}{2}$  of such carload, but the maximum fee for any carload not exceeding the customary size shall be \$9.00. For each lot of peanuts, pecans, or other nuts inspected, except under § 51.19 the fee shall be \$8.75 when the quantity involved is not more than a full carload, provided that different grades and varieties of peanuts shall be considered separate lots. When the lot involved is in excess of a carload the quantity shall be calculated in terms of carloads and fractions thereof of the customary size for such carloads and the carload rates aforesaid applied provided that said fractions shall be calculated in terms of fourths or next higher fourths. When inspections are made on which formal certificates are not issued, as provided in § 51.19, or when the products in-

spected cannot readily be calculated in terms of carloads, or when the services rendered are such that a charge on the carload basis would be inadequate or inequitable, charges for inspection may be based on the time consumed by the inspector in connection with such inspections computed at the rate of not to exceed \$2.50 per hour, or the charges may be based upon the number of pounds or number of containers in the lot inspected, provided such charges are in substantial conformity with the hourly or carload rate.

This amendment shall become effective on August 1, 1945.

(46 Stat. 531, as amended, 7 U.S.C. 499a et seq.; 59 Stat. 136; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 31st day of July 1945.

[SEAL]

J. B. HUTSON,  
Acting Secretary of Agriculture.

[F. R. Doc. 45-14121; Filed, Aug. 1, 1945; 11:08 a. m.]

##### PART 53—MEATS, PREPARED MEATS, MEAT PRODUCTS (GRADING AND CERTIFICATION)

##### BASIS FOR CHARGES

Pursuant to the provisions of the Department of Agriculture Appropriation Act, 1946, approved May 5, 1945 (Public Law 52—79th Congress; 59 Stat. 136), the provisions in § 53.41 (a) of the regulations issued thereunder relating to grading and certification of meats, prepared meats, and meat products (7 CFR and Cum. Supp., § 53.41 (a)) are hereby amended to read as follows:

§ 53.41 *Fees and costs.* \* \* \*

(a) *Basis for charges.* Fees and charges for grading services at designated markets shall be based on the actual time required to render the services, including the time required for travel of the official grader in connection therewith, at the rate of two dollars and seventy cents (\$2.70) per hour for each official grader assigned unless otherwise provided by special agreement approved by the Director, Office of Marketing Services: *Provided*, That no grading services shall be rendered for less than a minimum charge of one dollar and thirty-five cents (\$1.35).

*Provided further*, That the Director, Office of Marketing Services, may, in lieu of the fixed charge of \$2.70 per hour, fix other reasonable charges for the grading and certification of products at rates that in his judgment, will cover the costs of the services.

This amendment shall become effective August 1, 1945.

(Public Law 52, 79th Cong., 59 Stat. 136; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087).

Issued this 31st day of July 1945.

[SEAL]

J. B. HUTSON,  
Acting Secretary of Agriculture.

[F. R. Doc. 45-14122; Filed, Aug. 1, 1945; 11:08 a. m.]

### Chapter X—War Food Production Order

[WFO 41, Amdt. 4]

#### PART 1206—FERTILIZER

##### CHEMICAL FERTILIZER IN PUERTO RICO

War Food Order No. 41 (formerly Food Production Order No. 10) (9 F.R. 1073, 4319, 5033, 7919, 11047) is hereby amended by adding the following new paragraph:

(v) The Farm Rationing Committee is hereby authorized, in its discretion, to suspend, in whole or in part, the provisions of paragraphs (f) (g), (h), (i), (j), (k), (l), (m) and (p) for such time as the Committee deems appropriate: *Provided, however*, That, with respect to violations of the provisions of any of such paragraphs, or rights accrued, or liabilities incurred thereunder, prior to any suspension made pursuant to this paragraph, such provisions shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or proceeding with respect to any such violation, right, or liability. In suspending any of such provisions the Committee shall take into account the supply of fertilizer materials available or expected to be available in Puerto Rico, and the need for the production of sugarcane, tobacco and food crops.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 31st day of July 1945.

[SEAL]

J. B. HUTSON,  
Acting Secretary of Agriculture.

[F. R. Doc. 45-14120; Filed, August 1, 1945; 11:08 a. m.]

### TITLE 10—ARMY: WAR DEPARTMENT

#### Chapter I—Aid of Civil Authorities and Public Relations

##### PART 109—SECURITY SURROUNDING TROOP MOVEMENTS

##### MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Part 109 are hereby prescribed:

1. Amend § 109.1 (c) as follows:

§ 109.1 *General.* \* \* \*

(c) Officers and enlisted personnel will avoid talk or discussion of classified military movements with any unauthorized persons and will view with suspicion any person asking questions about such movements or discussing topics pertaining thereto.

2. In § 109.2 amend paragraph (a) and rescind paragraph (c).

§ 109.2 *Rail and motor movements.* (a) Reports concerning arrivals and departure of rail or motor movements within the United States which for any reason are classified may be transmitted to persons authorized to receive such reports, unclassified, provided unit designations are not included therein.

\* \* \*

(c) [Rescinded]

3. Amend the first sentence of paragraph (c) of § 109.3 as follows:

### § 109.3 Embarkation. \* \* \*

(c) Members of families, relatives, or friends of personnel destined for an active operational theater will not be allowed at the piers or thereabouts on the day of sailing. \* \* \*

### 4. Rescind § 109.4.

§ 109.4 *Movements of vessels in harbors.* [Rescinded]

### 5. Amend § 109.5 as follows:

§ 109.5 *Overseas.* After arrival in an active operational theater no information will be given concerning names or destinations or organizations, names of vessels, data concerning convoys, routes pursued, measures taken to avoid attack, dates of arrival, debarkation, or departure, or number of troops, or kind of cargoes carried. (R. S. 161; 5 U.S.C. 22) [AR 380-5, 15 March 1944 as amended by C4, 14 July 1945]

[SEAL] EDWARD F. WITSELL,  
Major General,  
Acting The Adjutant General.

[F. R. Doc. 45-14108; Filed, Aug. 1, 1945;  
9:34 a. m.]

## TITLE 24—HOUSING CREDIT

### Chapter V—Federal Housing Administration

#### Subchapter D—Multifamily Rental Housing Insurance

### PART 532—ADMINISTRATIVE RULES UNDER SECTION 207, NATIONAL HOUSING ACT

#### APPLICATION AND COMMITMENT

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- 532.20 Eligibility of property.  
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- 532.22 Eligibility of title.  
532.23 Title evidence.  
532.24 Effective date.

AUTHORITY: §§ 532.1 to 532.24, inclusive, issued under sec. 211, National Housing Act, 48 Stat. 1246, as amended by acts approved Feb. 3, 1938 (52 Stat. 8); June 3, 1939 (53 Stat. 804), and Mar. 28, 1941, 55 Stat. 55).

#### APPLICATION AND COMMITMENT

§ 532.1 *Information for preliminary examination.* (a) Information required for the examination of a Rental Housing Project under section 207 shall be submitted in the form of an application for mortgage insurance by an approved mortgagee and by the sponsors of such project through the local Federal Housing Administration office, on approved FHA Application Form (executed in triplicate). No application will be considered unless the exhibits called for by such form are furnished and a fee of one dollar and fifty cents (\$1.50) per thousand of the face amount of the mortgage loan applied for (referred to as "Application Fee") is paid.

(b) A further sum (referred to as "commitment fee") which when added to the "application fee" will aggregate three dollars (\$3.00) per thousand of the face amount of the mortgage loan set forth in the commitment shall be paid within fifteen days from delivery of the commitment, otherwise the commitment will be null and void unless extended in writing by the Commissioner.

(c) Upon application for an increase in the amount of an existing commitment, an additional application fee of one dollar and fifty cents (\$1.50) per thousand dollars shall be paid based upon the amount of the increase requested. Any increase in the amount of a commitment shall be subject to the payment of an additional commitment fee which, when added to the additional application fee will aggregate three dollars (\$3.00) per thousand of the amount of the increase. If the amount of the insured mortgage is increased after insurance either by amendment or by the substitution of a new insured mortgage, the fees herein provided for shall be based upon the amount of such increase.

(d) If the application is rejected prior to an estimate of cost by the Commissioner, the application fee will be returned to the applicant. Subsequent to such estimate of cost the fee paid will not be returned.

§ 532.2 *Issuance of commitment.* (a) Upon approval of an application a commitment will be issued setting forth the terms and conditions upon which the mortgage will be insured, including special requirements applicable to the project and requiring the submission in final form within a time specified of all appropriate documents, drawings, plans, specifications, estimates, and other instruments evidencing full compliance satisfactory to the Commissioner with this part and with such terms and conditions.

(b) Such commitment may be on a form providing for advances of mortgage money during construction and the insurance of such advances as made, or it may be on a form providing for the insurance of the mortgage after completion of the improvements.

(c) No commitment shall be valid unless signed by the Commissioner or his agent authorized for that purpose, and shall be effective for a stated period, not in excess of 120 days, but may be renewed in such manner as the Commissioner may from time to time specify.

(d) In the case of a Public Housing Project, the fee to be paid under § 532.1 shall be fixed by the Commissioner, but shall not exceed \$3.00 per thousand of the original face amount of the mortgage.

#### ELIGIBLE MORTGAGES

§ 532.3 *Mortgage forms.* The mortgage must be executed upon a printed form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated, by a mortgagor with the qualifications hereinafter set forth in §§ 532.14 and 532.15, must be a first lien upon property that conforms with the property standards prescribed by the Commissioner, and the mortgagee must be obligated, as a part of the mortgage transaction, to disburse the entire principal amount of the mortgage to, or for the account of, the mortgagor in conformity with the terms of the commitment. Any changes in the printed form desired by the mortgagor and mortgagee must receive prior written approval of the Commissioner.

§ 532.4 *Eligibility for insurance.* In order to be eligible for insurance under this part, a mortgage shall create a first lien securing a principal obligation not in excess of \$5,000,000, and such part thereof as may be attributable to dwelling use shall not exceed \$1,350 per room, depending upon the location of the project and local building costs and rental conditions. The principal obligation of such mortgage shall not exceed eighty per centum (80%) of the amount which the Commissioner estimates will be the value of the property or project when the proposed improvements are completed; *Provided*, That such mortgage shall not in any event exceed the amount which the Commissioner estimates will be the cost of the completed physical improvements on the property or project, exclusive of the following: Public utilities except lead-ins from abutting streets to the project; public streets except approaches from abutting streets to private streets in the project; abutting sidewalks and curbing outside the project site; real estate taxes, interest on the mortgage, hazard insurance, owner's liability insurance, and other insurance customarily payable by the mortgagor; organization and legal expenses; financing charges; and miscellaneous charges during or incidental to construction and customarily payable by the mortgagor, including but not limited to Federal Housing Administration appraisal and inspection fees and mortgage insurance premium, title and recording expenses, and cost of surveys and contour maps.

§ 532.5 *Maturity.* The mortgage shall have a maturity satisfactory to the Commissioner, depending upon the risk involved and the general character of the project, and shall contain complete amortization or sinking fund provisions satisfactory to the Commissioner.

§ 532.6 *Payment requirements.* The mortgage shall provide for monthly payments on the first day of each month by the mortgagor to the mortgagee on account of interest and principal. Such monthly payments may be on a level annuity or declining annuity basis as agreed upon by the mortgagor and mort-

gagee. Where the insured mortgage does not exceed \$200,000, payments on account of principal shall begin not later than the first day of the twelfth month following execution of the mortgage. Where the mortgage does exceed \$200,000, such principal payments shall begin not later than the first day of the twenty-fourth month following execution of the mortgage. In cases where a commitment to insure upon completion has been issued, the respective dates for commencement of amortization will be figured on the same basis from the date the commitment is issued.

**§ 532.7 Interest rate.** The mortgage shall bear interest, not exceeding four per centum (4%) per annum, as may be agreed upon between the mortgagor and mortgagee. All charges made in connection with the mortgage transaction shall be subject to the approval of the Commissioner.

**§ 532.8 Release provisions.** The mortgage shall cover the entire property included in the housing project. The mortgage may include provisions for the release from the lien thereof of any of the improvements and the land upon which they are located upon conditions to be determined by the Commissioner at the time of the release. Where the mortgage does not contain such release provisions no property shall, except with the consent of the mortgagee and the Commissioner, be released from the lien thereof so long as the mortgage insurance is in force.

**§ 532.9 Covenant against liens.** The mortgage shall, except in the case of a Public Housing Project, contain a covenant against the creation by the mortgagor of liens against the property inferior to the lien of the mortgage.

**§ 532.10 Covenants for fire insurance.** The mortgage shall contain a covenant binding the mortgagor to keep the property insured by a standard policy or policies against fire and such other hazards as the Commissioner, upon the insurance of the mortgage, may stipulate, in an amount which will comply with the coinsurance clause applicable to the location and character of the property, but not less than eighty per cent (80%) of the actual cash value of the insurable improvements and equipment of the project. The initial coverage shall be in an amount estimated by the Commissioner at the time of completion of the entire project or units thereof. The policies evidencing such insurance shall have attached thereto a standard mortgagee clause making loss payable to the mortgagee and the Commissioner, as interests may appear.

**§ 532.11 Soundness of project.** No mortgage shall be accepted for insurance unless the Commissioner finds that the property or project with respect to which the mortgage is executed is economically sound.

**§ 532.12 Accumulation of next premium.** The mortgage shall provide for payments by the mortgagor to the mortgagee on each interest payment date of an amount sufficient to accumulate in the hands of the mortgagee one payment period prior to its due date, the next an-

nual mortgage insurance premium payable by the mortgagee to the Commissioner. Such payments shall continue only so long as the contract of insurance shall remain in effect. The mortgage shall provide that upon the payment of the mortgage before maturity, the mortgagor shall pay the adjusted premium charge referred to in § 533.3 of this chapter.

The mortgage shall also provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize the ground rents, if any, and the estimated amount of all taxes, water rates and special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the dates on which the same become delinquent. The mortgage shall further provide that such payments shall be held by the mortgagee, for the purpose of paying such ground rents, taxes, water rates and assessments, and insurance premiums, before the same become delinquent. The mortgage must also make provision for adjustments in case the estimated amount of such taxes, water rates and assessments, and insurance premiums shall prove to be more, or less, than the actual amount thereof so paid by the mortgagor.

**§ 532.13 Application of payments.** (a) All monthly payments to be made by the mortgagor to the mortgagee shall be added together and the aggregate amount thereof shall be paid by the mortgagor upon each monthly payment date in a single payment. The mortgagee shall apply the same to the following items in the order set forth:

- (1) Premium charges under the contract of insurance;
- (2) Ground rents, taxes, special assessments and fire and other hazard insurance premiums;
- (3) Interest on the mortgage;
- (4) Amortization of the principal of the mortgage.

Any deficiency in the amount of any such aggregate monthly payment shall constitute an event of default under the mortgage unless paid within thirty days from the date due.

(b) The mortgagee may include in the mortgage a provision for such additional charge in the event of prepayment of principal as may be agreed upon between the mortgagor and mortgagee: *Provided, however,* That the mortgagor must be permitted to prepay up to fifteen per centum (15%) of the original principal amount of the mortgage in any one calendar year without any such additional charge.

(c) In the event that bonds are to be issued as a part of the insured mortgage transaction, all arrangements with respect to the issuance and sale of such bonds shall be subject to approval by the Commissioner.

#### CLASSIFICATION OF ELIGIBLE MORTGAGORS

**§ 532.14 Private mortgagors.** In order to be eligible for insurance as a mortgagor of a Rental Housing Project under section 207 such mortgagor must be a private corporation, association, cooperative society which is a legal agent of the owner-occupants, or trust (referred

to in this part and in Part 533 of this chapter as "mortgagor", "corporation", or "mortgagor corporation"), formed or created, with the approval of the Commissioner, for the purpose of providing housing for rent or sale, and possessing powers necessary therefor and incidental thereto; which corporation, association, cooperative society, or trust, is regulated or restricted by the Commissioner as to rents or sales, charges, capital structure, rate of return, and methods of operation. Such regulation or restriction shall remain in effect until such time as the mortgage insurance contract terminates without obligation upon the Commissioner to issue debentures as a result of such termination. So long as such contract of insurance is in effect, the corporation, association, cooperative society, or trust shall engage in no business other than the construction and operation of a Rental Housing Project; or

**§ 532.15 Public Mortgagors.** A Federal or State instrumentality, a municipal corporate instrumentality of one or more States, or a limited dividend corporation formed under and restricted by Federal or State housing laws as to rents, charges, capital structure, rate of return, or methods of operation (projects of such mortgagors are herein referred to as "Public Housing Projects").

#### SUPERVISION OF MORTGAGORS

**§ 532.16 In general.** (a) In the case of an eligible mortgagor described in § 532.15, the Commissioner is not required under the act to regulate or restrict the mortgagor. Such mortgagor, however, must have initial funds which may be considered in lieu of the equity required of other mortgagors. Such funds (which may be in the form of Government loans, grants, or subsidies, or in other form) if sufficient in amount will be considered satisfactory provided they do not create a lien against the property prior to that of the insured mortgage. Liens inferior to the lien of the insured mortgage may be allowed against properties of such mortgagors.

(b) In all other cases a mortgagor must establish that after final disbursement of the loan the property covered by the mortgage is free and clear of all liens other than such mortgage, and that there will not be outstanding any other unpaid obligation contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations which are secured by property or collateral owned by the mortgagor independently of the mortgaged property.

(c) Supervision of such other mortgagors is required by the provision of section 207 of the act that such mortgagors shall be regulated or restricted by the Commissioner. Such regulation or restriction will be set forth in the certificate of incorporation or other instrument under which the mortgagor is created (hereinafter referred to as the "charter") and will be made effective through the issuance of certain shares of special stock (or other evidence of a beneficial interest in the mortgagor) which stock or interest will acquire majority voting rights in the event of default under the mortgage or violation of



a provision of the charter, but only for a period coexistent with the duration of such default or violation. Such special stock or interest issued to the Commissioner, his nominee or nominees and/or Federal Housing Administration shall be in sufficient amount to constitute under the laws of the particular State a valid special class of stock or interest and shall be issued in consideration of the payment by the Commissioner of not exceeding in the aggregate \$100. Such stock shall be represented by certificates issued in the name of the Commissioner, and/or in the name of his nominee or nominees, and/or in the name of the Federal Housing Administration, as the Commissioner shall require. Upon the termination of all obligations of the Commissioner under his contract of mortgage insurance or any succeeding contract or agreement covering the mortgage obligation, including the obligation upon the Commissioner to issue debentures as a result of such termination, all regulation and restriction of the mortgage shall cease. When the right of the Commissioner to regulate or restrict the mortgagor shall so terminate, the shares of special stock or other evidence of beneficial interest shall be surrendered by the Commissioner upon reimbursement of his payments therefor plus accrued dividends, if any, thereon.

§ 532.17 *Required supervision of private mortgagors.* The following are the items which will be regulated or restricted in the charter to the extent indicated, except in the case of mortgagors of public housing projects:

(a) *Capital structure.* (1) The sponsor's equity in a project, for dividend purposes, shall mean, (i) the Commissioner's estimate of the value of the project upon completion less the face amount of the mortgage plus (ii) required cash working capital. Such equity when contributed shall be in the form of unencumbered property, and such cash and services as the Commissioner shall require.

(2) Such number of shares of capital stock, either with or without par value, in the case of a corporation, or such appropriate evidences of interest, in the case of an association, a cooperative society, or a trust, may be issued as sponsors may deem appropriate. Such stock or interest, together with paid in surplus, if any, shall represent such equity. Additional stock or evidences of interest may be authorized but the charter shall provide that it shall not be issued except with the approval of the Commissioner. No stock or interest shall be redeemed, purchased, or paid off by the mortgagor during the period in which the mortgage insurance is in force, except with the approval of the Commissioner.

(3) The shares of stock or interest issued to the Commissioner shall be in sufficient amount to constitute, under the laws of the particular jurisdiction, a valid special class of stock or interest and shall be issued in consideration of the payment by the Commissioner of not exceeding \$100.

(b) *Rate of return.* Regular dividends or distribution of income may be declared or paid only as of the end of a semiannual or annual fiscal period. Div-

idends or distribution of income may be declared and paid only from earned income legally available for dividends or distribution of income in excess of all operating expenses, taxes, assessments, fixed charges, mortgage insurance premiums, required allocations to the Fund for Replacements, and interest and principal on the insured mortgage including principal payments permitted to be passed by reason of prepayments theretofore made. No regular dividends or distribution of income may be declared or paid for any fiscal year in excess of six per centum (6%) per annum of the equity as valued by the Commissioner but may be cumulative from year to year, and the dollar amount of such dividends or distribution of income shall be stated in the charter: *Provided*, That one-half of such earned income in excess of regular dividends or distribution of income may be declared or paid as extra dividends or distribution of income for a fiscal year as of the end of such year. The charter will make provision for dividends or distribution of income as provided herein and will also provide that in any event one-half of earned income in excess of regular dividends or distribution of income shall be applied annually in reduction of principal of the insured mortgage.

(c) *Control of funds during construction.* (1) From its capital funds the mortgagor shall deposit with the mortgagee or, in a depository satisfactory to the mortgagee and under control of the mortgagee, an amount equivalent to not less than three per centum (3%) of the original principal amount of the mortgage, for the purpose of meeting the cost of equipping and renting the project subsequent to completion of construction of the entire project or units thereof and, during the course of construction, for allocation by the mortgagee to the accruals for taxes, mortgage insurance premium, hazard insurance premiums and assessments required by the terms of the mortgage as outlined in § 532.13. Any balance of said fund not used or allocated for the above purposes shall be returned to the mortgagor upon completion of construction of the entire project to the satisfaction of the Commissioner.

(2) The mortgagor must establish in a manner satisfactory to the Commissioner that, in addition to the proceeds of the insured mortgage, the mortgagor has funds sufficient to assure completion of construction of the project and to pay all carrying charges, financing and organization expenses incidental to the construction of the project which funds shall be deposited with and held by the mortgagee in a special account or by an acceptable depository designated by the mortgagee under an appropriate agreement approved by the Commissioner which will require all such construction funds to be expended for work and material on the physical improvements prior to the advance of any mortgage money and for other charges and expenses to be paid when due.

(3) The Commissioner may require the deposit with the mortgagee or with an acceptable trustee or escrow agent designated by the mortgagee under an appropriate agreement of such cash as may be

required for the completion of off-site public utilities and streets.

(4) The Commissioner, the mortgagor and the mortgagee shall, prior to the insurance of the mortgage, agree with respect to the manner and conditions under which advances (if any) during construction are to be made by the mortgagee and approved for insurance by the Commissioner.

(5) Such agreement shall require the mortgagee to notify the Commissioner, through the insuring office having jurisdiction over the territory in which the property is situated, in writing, on an application form prescribed by Commissioner, of the proposed date and the amount of the advance to be made, and the Commissioner shall deliver to the mortgagee within a reasonable time from the date of such notice a certificate executed on behalf of the Commissioner on a form prescribed by him setting forth the amount approved for insurance or advising the mortgagee of the Commissioner's nonapproval and setting forth the reasons therefor.

(6) Such agreement shall be set forth on a form prescribed by the Commissioner, shall contain such additional terms, conditions, and provisions as the Commissioner shall in the particular case prescribe or approve, and when properly executed by the Commissioner and the mortgagee, shall constitute a part of the mortgage insurance contract. When all advances of mortgage money approved for insurance by the Commissioner have been made, the original credit instrument will be finally endorsed for insurance for the total of such advances as provided for in the Administrative Regulations.

(7) No advance under any mortgage shall be eligible for insurance unless there is filed with the application for such advance a certificate or certificates in the form required by the Commissioner, certifying that the laborers and mechanics employed in the construction of the dwelling or dwellings or housing project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance.

(8) Assurance for the completion of a project shall be either (i) the bond of a surety company satisfactory to the Commissioner on the standard form prescribed by the Commissioner in the penal sum of at least ten per centum (10%) of the cost of construction of the project, (ii) a bond, in at least the same amount, of a surety satisfactory to the Commissioner written in the standard A. I. A. form of performance bond with the mortgagor and the mortgagee as joint-obligees, or (iii) a deposit with the mortgagee, or with a depository satisfactory to the mortgagee and the Commissioner, of cash or securities of, or fully guaranteed as to principal and interest by, the United States of America, under a Completion Assurance Agreement prescribed by the Commissioner, of an amount at least equal to ten per

centum (10%) of the cost of construction of the project, or (iv) may be in such other form as may be recommended by the mortgagee and approved in writing by the Commissioner.

(d) *Rents and charges.* Except as hereinafter provided:

(1) No charge shall be made by the mortgagor corporation for the accommodations offered by the project in excess of a rental schedule to be filed with the Commissioner and approved by him or his duly constituted representative prior to the opening of the project for rental, which schedule shall not exceed, except with the consent of the Commissioner, a maximum average rental fixed prior to the insurance of the mortgage. In establishing such maximum and in passing upon applications for changes, consideration will be given the following and similar factors:

(i) Rental income necessary to maintain the economic soundness of the project;

(ii) Relation of the proposed rentals to those currently being paid in the given community for similar accommodations.

(2) The established maximum rental shall be the maximum authorized charge against any tenant for the accommodations offered exclusive of telephone, gas, electric, and refrigeration facilities. Charges in addition to such maximum rental may be made against a tenant for telephone, gas, electric, refrigeration, and other facilities and privileges furnished by the mortgagor, but only with the approval of the Commissioner.

(3) So long as the maximum rents are fixed and regulated by another agency of the United States Government, the rental established by such agency of the United States will be accepted by the Commissioner as an approved rent schedule under the provisions of subparagraphs (1) and (2) of this paragraph. Upon the expiration of the authority of any such agency to fix maximum rentals, the established maximum rental schedule then in force with respect to the project shall be the established maximum rental schedule within the provisions of subparagraphs (1) and (2) of this paragraph, and shall not thereafter be changed except upon approval of the Commissioner.

(e) *Methods of operation.* (1) No compensation shall be paid by the corporation except for necessary services and except at such rate as is fair and reasonable in the locality for similar services, nor, except with the prior written approval of the Commissioner, shall any compensation be paid by the corporation to its officers, directors, or stockholders, or to any person, or corporation for supervisory or managerial services, nor shall any compensation be paid by the corporation to any employee in excess of two thousand dollars (\$2,000) per annum, except with such prior written approval. No officer, director, stockholder, agent, or employee of the corporation shall in any manner become indebted to the corporation.

(2) The corporation shall maintain its project, the grounds, buildings, and equipment appurtenant thereto, in good repair and in such condition as will pre-

serve the health and safety of its tenants.

(3) A fund for replacements shall be accumulated and maintained with the mortgagee so long as the mortgage insurance is in force, and the amount and type of such fund and the conditions under which it shall be accumulated, replenished and used, shall be specified in the charter. Failure to comply with the terms of this requirement may be considered by the Commissioner as a default under the terms of the charter.

(4) The corporation, its property, equipment, buildings, plans, offices, apparatus, devices, books, contracts, records, documents, and papers shall be subject to inspection and examination by the Commissioner or his duly authorized agent at all reasonable times.

(5) The books and accounts of the corporation shall be kept in accordance with the uniform system of accounting prescribed by the Commissioner. The corporation shall file with the Commissioner the following reports verified by the signature of such officers of the corporation as the Commissioner may designate and in such form as prescribed by the Commissioner:

(i) Monthly occupancy reports, when required by the Commissioner;

(ii) A semiannual financial statement within sixty (60) days after the declaration of any semiannual dividends;

(iii) Annual reports prepared by a certified public accountant, to be filed within sixty (60) days after the end of each fiscal year; and

(iv) Specific answers to questions upon which information is desired from time to time relative to the operation and condition of the property and the status of the insured mortgage;

(v) Copies of minutes of stockholders' meetings certified to by the Secretary of the Corporation.

#### ELIGIBLE MORTGAGEES

§ 532.18 *Classification.* (a) The following may become the mortgagee of a mortgage insured under section 207 of the National Housing Act:

(1) Any institution or organization which is approved as a mortgagee under the National Housing Act; and

(2) Any other chartered institution or permanent organization having succession, upon its approval by the Commissioner for a particular transaction.

(b) The mortgagee must demonstrate to the satisfaction of the Commissioner its ability to make the mortgage and service the same. The Commissioner reserves the right to refuse to approve any institution or organization as the mortgagee of a particular mortgage or to withhold any such approval pending compliance by such institution or organization, with additional conditions which in the discretion of the Commissioner are required in the particular case.

(c) Approval of a mortgagee may be withdrawn by notice from the Commissioner for cause sufficient to the Commissioner, but no withdrawal will in any way affect the insurance on mortgages theretofore accepted for insurance.

§ 532.19 *Required inspections.* As a condition precedent to insurance, the mortgagee must agree that so long as the mortgage is an insured mortgage, it will ascertain the general physical condition of the mortgaged property in each calendar year commencing with the calendar year following completion of the project and will furnish the Commissioner with a copy of its inspection report. If at any time it be determined by the mortgagee that, in addition to ordinary wear and tear, the mortgaged property is being subjected to permanent or substantial injury, through unreasonable use, abuse or neglect, the mortgagee will, unless adequate provision satisfactory to a prudent lender is made for the prompt restoration of the mortgaged property, forthwith take such action as may be available to it under the mortgage and appropriate to the particular case, for the protection and preservation of the mortgaged property and the income therefrom, and the submission of an application for insurance shall be evidence of such agreement.

#### ELIGIBLE PROPERTIES

§ 532.20 *Eligibility of property.* (a) In order for property to be eligible as the subject of an insured mortgage, such property must be held in fee simple, or consist of the interest held under a leasehold for not less than ninety-nine (99) years which is renewable, or under a lease having not less than fifty (50) years to run from the date the mortgage is executed. Such mortgage may also cover additional property approved by the Commissioner.

(b) The property constituting security for the mortgage must be held by an eligible mortgagor as herein defined and must at the time the mortgage is insured be free and clear of all liens other than that of such mortgage except as provided in § 532.16 (a) in connection with public housing projects.

§ 532.21 *Development of property.* At the time the mortgage is insured:

(a) The mortgagor shall be obligated to construct and complete new housing accommodations on the mortgaged property designed principally for residential use, conforming to standards satisfactory to the Commissioner, and consisting of not less than twelve (12) rentable dwelling units on one site and may be detached, semidetached, or row houses, or multifamily structures.

(b) There shall be located on the mortgaged property a building or buildings, which, upon completion of proposed improvements, shall provide housing accommodations designed principally for residential use, conforming to standards satisfactory to the Commissioner, and containing at least twelve (12) rentable dwelling units preferably but not necessarily contiguous and so located in relation to one another as to effect a substantial improvement of housing standards and conditions in the neighborhood.

(c) Such dwelling and other improvements, if any, must not violate any zoning or deed restrictions applicable to the project site and must comply with all

applicable building and other governmental regulations.

#### TITLE

§ 532.22 *Eligibility of title.* In order for the mortgaged property to be eligible for insurance, the Commissioner must determine that marketable title thereto is vested in the mortgagor as of the date the mortgage is filed for record. The title evidence will be examined by the Commissioner and the original endorsement of the credit instrument for insurance will be evidence of its acceptability.

§ 532.23 *Title evidence.* Upon insurance of the mortgage, the mortgagee, without expense to the Commissioner, shall furnish to the Commissioner a survey satisfactory to him and a policy of title insurance as provided in paragraph (a) of this section, or, if the mortgagee is unable to furnish such policy for reasons satisfactory to the Commissioner, the mortgagee, without expense to the Commissioner, shall furnish such evidence of title as provided in paragraphs (b), (c), or (d) of this section, as the Commissioner may require.

(a) A policy of title insurance with respect to such mortgage, issued by a company satisfactory to the Commissioner. Such policy shall comply with the "L. I. C. Standard Mortgagee Form", or the "A. T. A. Standard Mortgagee Form", or such other form as may be approved by the Commissioner; shall be payable to the mortgagee and the Commissioner as their respective interests may appear; and shall become an owner's policy, running to the mortgagee as owner upon the acquisition of the property by the mortgagee in extinguishment of the debt through foreclosure or by other means as provided in § 533.5 (b) of this chapter, and to the Commissioner as owner upon the acquisition of the property by him pursuant to the mortgage insurance contract.

(b) An abstract of title satisfactory to the Commissioner, prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner, as to the quality of such title, signed by an attorney at law experienced in the examination of title.

(c) A Torrens or similar title certificate.

(d) Evidence of title conforming to the standards of a supervising branch of the Government of the United States of America, or of any State or Territory thereof.

§ 532.24 *Effective date.* This part shall be effective as to all mortgages with respect to which a commitment to insure shall be issued on or after the date hereof.

#### PART 533—ADMINISTRATIVE REGULATIONS UNDER SECTION 207, NATIONAL HOUSING ACT

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AUTHORITY: §§ 533.0 to 533.16 inclusive, issued under sec. 211, National Housing Act, 48 Stat. 1246, as amended by acts approved February 3, 1938 (52 Stat. 8); June 3, 1939 (53 Stat. 804), and March 28, 1941 (55 Stat. 55).

§ 533.0 *Citations.* This part may be cited and referred to as "Regulations of the Federal Housing Commissioner under section 207 of the National Housing Act for Multifamily Rental Housing Projects, issued August 1, 1945."

§ 533.1 *Definitions.* As used in this part:

(a) The term "Commissioner" means the Federal Housing Commissioner.

(b) The term "act" means the National Housing Act, as amended.

(c) The term "mortgage" means such a first lien upon real estate and other property as is commonly given to secure advances (including, but not being limited to advances during construction) on, or the unpaid purchase price of, real estate under the laws of the State, district or territory in which the real estate is located, together with the credit instrument or instruments, if any, secured thereby.

(d) The term "insured mortgage" means a mortgage which has been insured by the endorsement of the credit instrument by the Commissioner, or his duly authorized representative.

(e) The term "contract of insurance" means the agreement evidenced by such endorsement and includes the terms, conditions and provisions of these Regulations and of the National Housing Act.

(f) The term "mortgagor" means the original borrower under a mortgage and its successors and such of its assigns as are approved by the Commissioner.

(g) The term "mortgagee" means the original lender under a mortgage, its successors and such of its assigns as are approved by the Commissioner, and includes the holders of the credit instruments issued under a trust mortgage or deed of trust pursuant to which said holders act by and through a trustee therein named.

(h) The term "claim under the contract of insurance" means the assignment, transfer and delivery to the Commissioner of the mortgage or the conveyance to him of the property, as provided in § 533.5.

#### PREMIUMS

§ 533.2 *First, second and third premiums.* The mortgagee, upon the initial

endorsement, of the mortgage for insurance, shall pay to the Commissioner a first mortgage insurance premium equal to one-half of one per centum ( $\frac{1}{2}$  of 1%) of the original face amount of the mortgage.

(a) If the date of the first principal payment is more than one year following the date of such initial insurance endorsement the mortgages, upon the anniversary of such insurance date, shall pay a second premium equal to one-half of one per centum ( $\frac{1}{2}$  of 1%) of the original face amount of the mortgage. On the date of the first principal payment the mortgagee shall pay a third premium equal to one-half of one per centum ( $\frac{1}{2}$  of 1%) of the average outstanding principal obligation of the mortgage for the following year which shall be adjusted so as to accord with such date and so that the aggregate of the said three premiums shall equal the sum of (1) one per centum (1%) of the average outstanding principal obligation of the mortgage for the year following the date of initial insurance endorsement and (2) one-half of one per centum ( $\frac{1}{2}$  of 1%) per annum of the average outstanding principal obligation of the mortgage for the period from the first anniversary of the date of initial insurance endorsement to one year following the date of the first principal payment.

(b) If the date of the first principal payment is one year or less than one year following the date of such initial insurance endorsement the mortgages, upon such first principal payment date, shall pay a second premium equal to one-half of one per centum ( $\frac{1}{2}$  of 1%) of the average outstanding principal obligation of the mortgage for the following year which shall be adjusted so as to accord with such date and so that the aggregate of the said two premiums shall equal the sum of (1) one per centum (1%) per annum of the average outstanding principal obligation of the mortgage for the period from the date of initial insurance endorsement to the date of first principal payment and (2) one-half of one per centum ( $\frac{1}{2}$  of 1%) of the average outstanding principal obligation of the mortgage for the year following the date of the first principal payment.

(c) Where the credit instrument is initially and finally endorsed for insurance pursuant to a Commitment to Insure Upon Completion, the mortgagee on the date of the first principal payment shall pay a second premium equal to one-half of one per centum ( $\frac{1}{2}$  of 1%) of the average outstanding principal obligation of the mortgage for the year following such first principal payment date which shall be adjusted so as to accord with such date and so that the aggregate of the said two premiums shall equal the sum of one-half of one per centum ( $\frac{1}{2}$  of 1%) per annum of the average outstanding principal obligation of the mortgage for the period from the date of the insurance endorsement to one year following the date of the first principal payment.

(d) Until the mortgage is paid in full or until claim under the contract of insurance is made or until the contract of insurance shall terminate the mortgage, on each anniversary of the date of the



first principal payment, shall pay an annual mortgage insurance premium equal to one-half of one per centum ( $\frac{1}{2}$  of 1%), of the average outstanding principal obligation of the mortgage for the year following the date on which such premium becomes payable.

(e) The premiums payable on and after the date of the first principal payment shall be calculated in accordance with the amortization provisions without taking into account delinquent payments or prepayments.

(f) Premiums shall be payable in cash or in debentures issued by the Commissioner under Title II of the act at par plus accrued interest. All premiums are payable in advance and no refund can be made of any portion thereof except as hereinafter provided in § 533.3 (f).

§ 533.3 *Adjusted premium charge.* In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within thirty (30) days thereafter notify the Commissioner of the date of prepayment and shall collect from the mortgagor and pay to the Commissioner in the case of a mortgage prepaid within five years from the date of the initial endorsement for insurance, an adjusted premium charge, in the nature of a prepayment premium, of two per centum (2%) of the original face amount of the prepaid mortgage, and in the event the mortgage is prepaid after five years from the date of initial endorsement for insurance, an adjusted premium charge of one per centum (1%) of the original face amount of the prepaid mortgage, except that if at the time of any such prepayment there is placed on the mortgaged property a new insured mortgage in an amount less than the original principal amount of the mortgage, the adjusted premium charge provided above shall be based upon the difference between such amounts.

In no event shall the adjusted premium charge exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until maturity.

No adjusted premium charge shall be due the Commissioner in the following cases:

(a) Where at the time of such prepayment there is placed on the mortgaged property a new insured mortgage for an amount equal to or greater than the original principal amount of the prepaid mortgage; or

(b) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year fifteen per centum (15%) of the original face amount of the mortgage; or

(c) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for (1) damage to the mortgaged property, or (2) a release of a part of such property; if approved by the Commissioner; or

(d) Where payment in full is made of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure, if the Commissioner, in his

discretion, agrees in writing to waive the payment thereof; or

(e) Where, at the time of such prepayment, there is placed on the property a new insured mortgage less than the original principal amount of the prepaid mortgage: *Provided*, That the Commissioner finds that the collection of such charge would be inequitable under the particular circumstances of the transaction.

Upon such prepayment the contract of insurance shall terminate.

(f) If at the time of prepayment a new insured mortgage is placed on the same property, the Commissioner will refund to the mortgagee for the account of the mortgagor an amount equal to the pro-rata portion of the current annual mortgage insurance premium theretofore paid, which is applicable to the portion of the year subsequent to such prepayment.

#### INSURANCE ENDORSEMENT

§ 533.4 *Form of endorsement.* (a) Upon compliance satisfactory to the Commissioner with the terms and conditions of his commitment to insure, the Commissioner shall endorse the original credit instrument in form as follows:

No. -----

Insured under section 207 of the National Housing Act and regulations thereunder of the Federal Housing Commissioner in effect on ----- to the extent of advances approved by the Commissioner.

FEDERAL HOUSING COMMISSIONER,  
By -----  
Authorized Agent

Date -----

(b) The mortgage shall be an insured mortgage from the date of such endorsement. The Commissioner and the mortgagee shall thereafter be bound by this part with the same force and to the same extent as if a separate contract had been executed relating to the insured mortgage, including the provisions of this part and of the National Housing Act.

(c) After all advances under the mortgage have been made with the approval of the Commissioner, the Commissioner shall, upon presentation of the original credit instrument, make a notation below the insurance endorsement in form as follows:

A total sum of \$----- has been approved for insurance hereunder by the Commissioner.

FEDERAL HOUSING COMMISSIONER,  
By -----  
Authorized Agent

Date -----

#### RIGHTS AND DUTIES OF A MORTGAGEE UNDER THE CONTRACT OF INSURANCE

§ 533.5 *Benefits of Insurance.* The mortgagee shall be entitled to receive the benefits of the insurance, at its option, either as provided in paragraph (a) or paragraph (b) of this section.

(a) *By assignment.* If the mortgagor fails to make any payment due under or provided to be paid by the terms of the mortgage and such failure continues for a period of thirty (30) days, the mortgagee shall be considered in default, and the mortgagee shall, within thirty (30) days thereafter, give notice in writing to the Commissioner of such default.

At any time within thirty (30) days after the date of such notice, or within such further period as may be agreed upon by the Commissioner in writing, the mortgagee shall, in such manner as the Commissioner may require, assign, transfer, and deliver to the Commissioner the original credit instrument and the mortgage securing the same, without recourse or warranty, except that the mortgagee must warrant that no act or omission of the mortgagee has impaired the validity and priority of the mortgage, that the mortgage is prior to all mechanic's and materialmen's liens filed of record subsequent to the recording of such mortgage regardless of whether such liens attached prior to such recording date, and prior to all liens and encumbrances which may have attached or defects which may have arisen subsequent to the recording of such mortgage except such liens or other matters as may be approved by the Commissioner, that the amount stated in the instrument of assignment is actually due and owing under the mortgage, that there are no offsets or counterclaims thereto, and that the mortgagee has a good right to assign the mortgage and other items enumerated below:

(1) All rights and interest arising under the mortgage so in default;

(2) All claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction;

(3) All policies of title or other insurance or surety bonds or other guaranties, and any and all claims thereunder;

(4) Any balance of the mortgage loan not advanced to the mortgagor;

(5) Any cash or property held by the mortgagee or its agents or to which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal of the mortgage indebtedness; and

(6) All records, documents, books, papers, and accounts relating to the mortgage transaction.

Nothing contained in this paragraph shall be so construed as to prevent the mortgagee from taking action at a later date than herein specified, provided the Commissioner agrees thereto in writing. The mortgagee, prior to the assignment of the mortgage to the Commissioner, shall offer evidence satisfactory to him that the original title coverage has been extended to include all advances of mortgage money made up to the date of assignment showing title satisfactory to the Commissioner as defined in § 533.2.

(b) *By conveyance of property.* If the mortgagor fails to make any payment to the mortgagee required by the mortgage, or fails to perform any other covenant or obligation under the mortgage, and such failure continues for the period of grace, if any, set forth in the mortgage, the mortgage shall be considered in default, and the mortgagee, within a period of thirty (30) days after the occurrence of a default arising on account of such failure to make any such payment or within thirty (30) days after the mortgagee shall have knowledge of the occurrence of a default arising on account of such failure to perform any other covenant or obligation under the mortgage, shall give notice in writing to the Com-

missioner of such default. At any time within a period of thirty (30) days after the date of such notice or within such latter time as may be agreed upon by the Commissioner in writing, the mortgagee, at its election, shall either:

(1) With, and subject to, the consent of the Commissioner, acquire by means other than foreclosure of the mortgage, possession of, and title to, the mortgaged property;

(2) Institute proceedings for the foreclosure of the mortgage and either obtain possession of the mortgaged property and the income therefrom through the voluntary surrender thereof by the mortgagor or institute, and prosecute with reasonable diligence, proceedings for the appointment of a receiver of the mortgaged property and the income therefrom or proceed to exercise such other rights and remedies as may be available to it for the protection and preservation of the mortgaged property and to obtain the income therefrom under the mortgage and the law of the particular jurisdiction: *Provided*, That if the laws of the State in which the mortgaged property is situated do not permit the institution of such proceedings within such period of time, the mortgagee shall institute such proceedings within thirty (30) days after the expiration of the time during which the institution of such proceedings is prohibited by such laws. Nothing contained in this paragraph shall be so construed as to require the mortgagee to take any action when the necessity therefor has been waived in writing by the Commissioner nor to prevent the mortgagee from taking action at a later date than herein specified provided the Commissioner so agrees in writing. The mortgagee shall promptly give notice in writing to the Commissioner of the institution of foreclosure proceedings under this subsection and shall exercise reasonable diligence in prosecuting such proceedings to completion. If after default and prior to the completion of foreclosure proceedings the mortgagor shall pay to the mortgagee all payments in default and such expenses as the mortgagee shall have incurred in connection with the foreclosure proceedings, notice thereof shall be given to the Commissioner by the mortgagee, and the insurance shall continue as if such default had not occurred.

§ 533.6 *Computation of benefits received by assignment.* If the mortgagee elects to proceed under, and does proceed under and in accordance with, the provisions of § 533.5 (a), and furnishes evidence satisfactory to the Commissioner that there are no past due and unpaid ground rents, general taxes, or special assessments, and furnishes the warranties described in said paragraph, the Commissioner shall deliver to the mortgagee:

(a) Debentures of the Housing Insurance Fund as set forth in section 207 of the act having a total face value equal to the value of the mortgage as defined in section 207 (g) of the act, which value shall be determined by adding to the original principal of the mortgage which was unpaid on the date of default the amount the mortgagee may have paid for (1) taxes, special assessments, and water rates which are liens prior to the mort-

gage; (2) insurance on the property; and (3) reasonable expenses for the completion and preservation of the property; less the sum of (i) an amount equivalent to two per centum (2%) of the amount of the mortgage advanced to the mortgagor and unpaid; (ii) any amount received on account of the mortgage after such date; and (iii) any net income received by the mortgagee from the property after such date. Such debentures shall be issued as of the date of such assignment transfer and delivery, bearing interest from such date at the rate of two and three-quarters (2¾%) per centum per annum, payable semi-annually on the first day of January and the first day of July of each year, shall be registered as to principal and interest and all or any such debentures may be redeemed at the option of the Commissioner with the approval of the Secretary of the Treasury at par and accrued interest on any interest payment date on three months' notice of redemption given in such manner as the Commissioner shall prescribe. Such debentures shall be issued in multiples of \$50.00 and any difference not in excess of \$50.00 between the amount of debentures to which the mortgagee is otherwise entitled hereunder and the aggregate face value of the debentures issued shall be paid in cash by the Commissioner to the mortgagee.

(b) A certificate of claim in accordance with section 207 (h) of the act which shall become payable, if at all, upon the sale and final liquidation of the interest of the Commissioner in such mortgage or such property, in accordance with section 207 (h) of the act. This certificate shall be for an amount which the Commissioner determines to be sufficient, when added to the face value of the debentures issued and the cash adjustment paid to the mortgagee, to equal the amount which the mortgagee would have received if, on the date of the assignment, transfer and delivery to the Commissioner provided for in § 533.5 (a), the mortgagor had extinguished the mortgage indebtedness by payment in full of all obligations under the mortgage. Such certificate of claim shall provide that there shall accrue to the holder of such certificate, with respect to the face amount of such certificate, an increment at the rate of three per centum (3%) per annum, which shall not be compounded. If any excess is realized from the mortgage, and all claims in connection therewith so assigned, transferred and delivered, and from the property covered by such mortgage and all claims in connection with such property, after deducting all expenses incurred by the Commissioner in handling, dealing with, acquiring title to, and disposing of such mortgage and property and in collecting such claims, such excess shall be applied in payment of the certificate of claim and any balance thereafter shall be paid to the mortgagor, as provided in section 207 (h) (1) of the act.

§ 533.7 *Computation of benefits received by conveyance.* If the mortgagee elects to proceed under, and does proceed under and in accordance with, the provisions of § 533.5 (b) and at any time within thirty (30) days (or such further

time as may be allowed by the Commissioner in writing) after acquiring title to and possession of the mortgaged property in accordance with such paragraph (b), tenders to the Commissioner possession thereof and a deed thereto containing a covenant which warrants against acts of the mortgagee and of all parties claiming by, through, or under the mortgagee, together with a bill of sale covering all personal property to which the mortgagee is entitled by reason of the mortgage transaction, conveying title to such property satisfactory to the Commissioner, as provided in § 533.8, and assigns (without recourse or warranty) any and all claims which it has acquired in connection with the mortgage transaction and as a result of the foreclosure proceedings or other means by which it acquired such property, including but not limited to any claims on account of title insurance and fire or other hazard insurance, except such claims as may have been released with the prior approval of the Commissioner, the Commissioner shall promptly accept conveyance of such property and such assignments, notwithstanding that the buildings or improvements thereon shall be incomplete or may have been destroyed, damaged, or injured in whole or in part, and shall deliver to the mortgagee:

(a) Debentures of the housing insurance fund as set forth in section 204 of the act and dated as of the date foreclosure proceedings were instituted, or the property was otherwise acquired by the mortgagee after default in a principal amount equal to the principal of the mortgage advanced with the approval of the Commissioner and unpaid on either of such dates, plus the amount of all payments made by the mortgagee for (1) taxes, ground rents and water rates, which are liens prior to the mortgage; (2) special assessments which are noted on the application for insurance or become liens after the insurance of the mortgage; (3) insurance on the mortgaged property; and (4) any mortgage insurance premiums paid after either of such dates; less (i) any amount received on account of the mortgage after such date; and (ii) any amount received as rent or other income from the property, after deducting therefrom reasonable expenses incurred in handling the property, after either of such dates.

(b) A certificate of claim as defined in § 533.6 (b) except that it may include a reasonable sum for necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings or the acquisition of the mortgaged property otherwise and the conveyance thereof to the Commissioner.

§ 533.8 *Title in case of conveyance.* Title satisfactory to the Commissioner within the meaning of § 533.7 will be such title as was vested in the mortgagor as of the date the mortgage was filed for record, but must be free and clear of all mechanics' and materialmen's liens filed of record subsequent to the recording of such mortgage, regardless of whether such liens attached prior to such recording date, and free and clear of all liens and encumbrances which may have attached, or defects which may have arisen subsequent to the recording of such

mortgage, except such liens or other matters as may be approved by the Commissioner.

§ 533.9 *Evidence of title.* The mortgagee, at the time a deed is tendered in accordance with § 533.7, shall furnish to the Commissioner, without expense to him, satisfactory evidence of title. Such title evidence shall be executed as of a date to include the recordation of the deed to the Commissioner and shall consist of the same type of title evidence accepted by the Commissioner at the time the mortgage was insured.

§ 533.10 *Fire and hazard insurance.* The mortgaged premises shall at all times be insured against fire and other hazards as provided in the mortgage. The duty shall be upon the mortgagee to provide such coverage in the event the mortgagor fails to do so. If the mortgagee fails to pay any premiums necessary to keep the mortgaged premises so insured, the contract of insurance may be terminated at the election of the Commissioner. If at the time claim is filed for debentures, the property has been damaged by fire or other hazards and loss has been sustained by reason of failure to keep the property insured as provided in the mortgage, the amount of such loss may be deducted from the amount of the debentures. In the event a loss has occurred to the mortgaged property under any policy of fire or other hazard insurance and the amount of any funds received by the mortgagee in payment of such loss shall be sufficient to pay in full the entire mortgage indebtedness, the mortgage shall, upon receipt of such funds by the mortgagee, be deemed paid and the contract of mortgage insurance made with the Commissioner shall thereupon terminate. If, however, any funds so received shall be insufficient to pay such mortgage indebtedness in full, the mortgagee shall not exercise its option under the mortgage to use the proceeds of such insurance for the repairing, replacing or rebuilding of such premises or to apply such proceeds to the mortgage indebtedness without prior written approval of the Commissioner. If the Commissioner shall fail to give his approval to the use or application of such funds for either of said purposes within thirty (30) days after written request by the mortgagee, the mortgagee may use or apply such funds for any of the purposes specified in the mortgage without the approval of the Commissioner.

§ 533.11 *Mortgage default and termination.* If after the mortgage becomes in default, as provided in § 533.5, the mortgagee does not make the assignment provided in § 533.6, or does not foreclose or otherwise acquire the mortgaged property and make the conveyance provided in § 533.7, and written notice thereof is given to the Commissioner, or in the event that the mortgagor pays the obligation under the mortgage in full prior to the maturity thereof and the mortgagee pays the adjusted premium charge required under the provisions of § 533.3 and written notice thereof is given to the Commissioner, the obligation to pay the annual premium charge shall cease, and all rights of the mortgagee and the mort-

gagor under §§ 533.6 and 533.7 shall terminate as of the date of such notice.

#### ASSIGNMENTS

§ 533.12 *In general.* (a) Bonds or other obligations issued in connection with an insured mortgage executed in the form of an indenture of trust providing for the issue and sale of such bonds or other obligations and appointing a trustee to act on behalf of the holders of such bonds or other obligations may be transferred as provided in the indenture of trust.

(b) An insured mortgage, other than those described in § 533.12 (a), may not be transferred or pledged prior to the full disbursement of the mortgage loan, except with the prior written approval of the Commissioner which approval may be subject to such conditions and qualifications as the Commissioner may prescribe. Subsequent to full disbursement such mortgage may be transferred only to a transferee who is a mortgagee approved by the Commissioner. Upon such transfer and the assumption by the transferee of all obligations under the contract of insurance the transferor shall be released from its obligations under the contract of insurance.

§ 533.13 *Termination of mortgage insurance by assignment.* The contract of insurance shall terminate with respect to mortgages described in § 533.12 (b) upon the happening of either of the following events:

(a) The transfer or pledge of the insured mortgage to any person, firm, or corporation, public or private, other than an approved mortgagee.

(b) The disposal by a mortgagee of any partial interest in the insured mortgage by means of a declaration of trust or by a participation or trust certificate or by any other device, unless with the prior written approval of the Commissioner, which approval may be subject to such conditions and qualifications as the Commissioner in his discretion may prescribe: *Provided*, That this paragraph shall not be applicable to any mortgage so long as it is held in a common trust fund maintained by a bank or trust company (1) exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank or trust company in its capacity as a trustee, executor or administrator; and (2) in conformity with the rules and regulations prevailing from time to time of the Board of Governors of the Federal Reserve System, pertaining to the collective investment of trust funds: *Provided further*, That this paragraph shall not be applicable to any mortgage so long as it is held in a common trust estate administered by a bank or trust company which is subject to the inspection and supervision of a governmental agency, exclusively for the benefit of other banking institutions which are subject to the inspection and supervision of a governmental agency, and which are authorized by law to acquire beneficial interests in such common trust estate, nor to any mortgage transferred to such a bank or trust company as trustee exclusively for the benefit of outstanding owners of undivided interests in the trust estate, under the terms of

certificates issued and sold more than three years prior to said transfer, by a corporation which is subject to the inspection and supervision of a governmental agency.

§ 533.14 *No vested right.* Neither the mortgagee nor the mortgagor shall have any vested or other right in the Housing Insurance Fund.

§ 533.15 *Amendments of regulations.* This part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendments shall not affect the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

*Effective date.* This part shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after the date hereof. The Commissioner with the consent of the mortgagor and the mortgagee may, subject to such conditions as he may impose, amend to conform to this part any contract of insurance or any commitment to insure, issued prior to February 3, 1938. Any mortgagee entitled to receive debentures upon default of a mortgage insured prior to February 3, 1938, may elect to receive, in lieu of such debentures, a cash adjustment and debentures issued as provided in § 533.7 and bearing interest at the rate current at the time of such election.

Issued at Washington, D. C., this first day of August 1945.

[SEAL] RAYMOND M. FOLEY,  
Federal Housing Commissioner.

[F. R. Doc. 45-14103; Filed, Aug. 1, 1945;  
9:42 a. m.]

#### TITLE 29—LABOR

##### Chapter IX—Department of Agriculture (Agricultural Labor)

##### PART 1100—REGULATIONS RELATIVE TO SALARIES AND WAGES OF AGRICULTURAL LABOR

###### MISCELLANEOUS AMENDMENTS

The revised regulations relative to salaries and wages of agricultural labor issued by the War Food Administrator on June 23, 1945 (10 F.R. 7609) are hereby amended as follows:

1. The term "Secretary" is substituted for the term "Administrator" wherever it appears.

2. The term "Secretary of Agriculture" is substituted for the term "War Food Administrator" wherever it appears.

3. The term "Department of Agriculture" is substituted for the term "War Food Administration" wherever it appears.

4. The term "State USDA Wage Board" is substituted for the term "State WFA Wage Board" wherever it appears.

5. The following subparagraph 6 is added to § 1100.5 (g):

(6) Workers engaged in hauling agricultural products from the farm to the first point of destination where the work-

ers are hired directly by the farmer are agricultural labor.

6. The following new matter is added at the end of § 1100.10 (c):

Wage or salary adjustments may be made by a State or any political subdivision thereof, the District of Columbia or any agency or instrumentality of any of the foregoing, in all cases where such adjustment is of the type referred to in this section. Any such adjustment will be deemed to have received the approval of the Secretary.

7. Section 1100.8 is amended and revised as follows:

§ 1100.8 *Procedure for recommending establishment of wage ceilings.* (a) Whenever it is directed by the Secretary or the Director a wage board shall, and upon its initiative may, hold a public hearing for the purpose of aiding the Secretary in establishing a supplement to the specific wage ceiling regulations as described in § 1100.7 hereof.

For the purpose of such a hearing a member of the staff of the Office of Labor may be appointed to sit as a non-voting member of the board. The board shall give public notice of such hearing at least three days prior to the hearing. Such notice shall contain the time and place of the hearing, the crop or crops to be affected, the area and type of work involved. Such public notice shall be given by posting in prominent places in the area to be affected, and in new stories by paid advertisements in local newspapers of general circulation. The hearing shall be conducted by two or more members of the Board as the Board shall direct. The hearing shall be informal. Testimony shall be taken concerning the type of work to be controlled, the exact area to be subject to control, the crop or crops to be affected, the wage rates paid, and all related matters relative to the establishment of a wage ceiling. All interested persons may appear and testify. A transcript of the record shall be made. The presiding officer shall open the hearing with a statement of its purpose and the rules which will govern. As soon as possible after the hearing is concluded the Board shall prepare its recommendations (which must be approved by at least a majority of the Board) as to the types of employment, wage rates to be paid, crop or crops to be affected, the extent of the area to be subject to control, and other related matters, and forward to the Secretary the report, together with the transcript of the hearing.

Neither the testimony received nor the recommendations of the Board are binding upon the Secretary in establishing a supplement to the specific wage ceiling regulations. Any interested person may file a petition for reconsideration of a supplement to the specific wage ceiling regulations with the wage board administering the regulations or with the Secretary. If such petition is filed with the wage board, such board shall forward the petition, together with its recommendations to the Secretary.

(b) A wage board will not recommend to the Secretary a particular supplement to the specific wage ceiling regulations unless a majority of the producers of the commodity covered thereby within the

area affected participating in a referendum or meeting held for that purpose request the intervention of the Secretary. Such referendum or meeting may be conducted prior to or subsequent to the public hearing referred to in paragraph (a) of this section, or the wage board may take a vote at such public hearing on the matter of intervention of the Secretary. The wage board shall give public notice of any meeting held for the purpose of determining the matter of intervention of the Secretary in the manner provided in paragraph (a) above at least three days prior to the meeting. Such notice shall contain the time and place of the hearing, the crop or crops to be affected, and the area and type of work involved and the fact that a vote will be taken. (Issued January 17, 1944, amended June 1, 1944, July 1, 1944, August 8, 1944, October 3, 1944, June 23, 1945, and as currently amended).

*Effective date.* This amendment shall be effective on the 2d day of August 1945 at 12:01 a. m., e. w. t.

Issued this 31st day of July 1945.

[SEAL] J. B. HUTSON,  
Acting Secretary of Agriculture.

[F. R. Doc. 45-14118; Filed, Aug. 1, 1945;  
11:08 a. m.]

[Supp. 57]

#### PART 1102—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF CALIFORNIA

##### WORKERS ENGAGED IN THE PRODUCTION AND HARVESTING OF APPLES IN CERTAIN COUNTIES IN CALIFORNIA

§ 1102.26 *Workers engaged in the production and harvesting of apples in Santa Cruz County and that northern part of Monterey County which lies in the Pajaro Valley, State of California.* Pursuant to § 4001.7 of the regulations of the Economic Stabilization Director relating to wages and salaries issued August 28, 1943, as amended (8 F. R. 11960, 12139, 16702; 9 F. R. 6035, 14547) and to the regulations of the War Food Administrator issued March 23, 1945 (10 F. R. 3177) entitled "Specific Wage Ceiling Regulations" and based upon a certification of the California USDA Wage Board that a majority of the producers of apples in the area affected participating in hearings conducted for such purpose have requested the intervention of the Secretary of Agriculture and based upon relevant facts submitted by the California USDA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops and classes of workers.* Persons engaged in the production and harvesting of apples in Santa Cruz County and that northern part of Monterey County which lies in the Pajaro Valley, State of California, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Economic Stabilization Director issued on August 28, 1943, as amended (8 F. R. 11960, 12139, 16702; 9 F. R. 6035, 14547).

(b) *Wage rates; maximum wage rates for the production and harvesting of apples—(1) Hourly rates:*

(i) For common, inexperienced farm labor at hand work in the production and harvesting of apples—Maximum rate per hour—85¢

(ii) For skilled, experienced workers with one season or more of experience at the following operations: Pruning, thinning, irrigating, cultivating, spraying and picking—Maximum rate per hour—\$1.00

#### (2) Piece work rates:

(i) Tree picking where all fruit is taken at a single picking—12¢ per bushel box.

(ii) Tree picking where more than one picking is made—15¢ per bushel box.

(iii) Pruning and thinning rates per tree may be determined on an individual basis but may not exceed an amount equal to the cost for those particular trees if work was done by experienced workers on an hourly basis at \$1 per hour.

(c) *Administration.* The California USDA Wage Board, located at 2181 Bancroft Way, Berkeley, California, will have charge of the administration of this section in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F. R. 3177).

(d) *Applicability of specific wage ceiling regulations.* This section shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on March 23, 1945 (10 F. R. 3177) and the provisions of such regulations shall be applicable to this section and any violation of this section shall constitute a violation of such specific wage ceiling regulations.

(e) *Effective date.* This Supplement No. 57 shall become effective at 12:01 a. m., Pacific war time, August 1, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. III); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. III); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547; regulations of the War Food Administrator, 9 F.R. 655, 12117, 126611, 10 F. R. 7609; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 31st day of July 1945.

[SEAL] K. A. BUTLER,  
Acting Director of Labor,  
U. S. Department of Agriculture.

[F. R. Doc. 45-14119; Filed, Aug. 1, 1945;  
11:08 a. m.]

#### TITLE 32—NATIONAL DEFENSE

##### Chapter IX—War Production Board

*AUTHORITY:* Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

#### PART 949—CHROMIUM

[General Preference Order M-18-a,  
Revocation]

Section 949.2 *General Preference Order M-18-a and Directions 1 and 2* are revoked. This revocation does not affect any liabilities incurred for violation of the order or directions or of actions



taken by the War Production Board under the order or directions. Transactions relating to chromium remain subject to Direction 7 to General Preference Order M-21 and all other applicable orders and regulations of the War Production Board.

Issued this 1st day of August 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-14125; Filed, Aug. 1, 1945;  
11:11 a. m.]

**PART 3175—REGULATIONS APPLICABLE TO  
THE CONTROLLED MATERIALS PLAN**

[CMP Reg. 1, as Amended June 13, 1945,  
Amdt. 2]

Paragraph (t) (2) (iii) is amended by inserting “, ‘Z-3’ orders” between the parenthesis and “and unrated” in the 27th line.

Issued this 1st day of August 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-14123; Filed, Aug. 1, 1945;  
11:11 a. m.]

**PART 3287—GOVERNMENT SERVICES<sup>1</sup>**

[Limitation Order L-60, as amended August  
1, 1945]

**REVOLVERS AND SHOTGUNS**

Section 3287.11<sup>1</sup> *General Limitation Order L-60* is amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage of revolvers and shotguns for use in police work, plant patrol and other local guard duties; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3287.11<sup>1</sup> *General Limitation Order L-60*—(a) *Definitions*. For the purposes of this order:

(1) “Defense revolver” means any revolver chambered for the .38 caliber special cartridge.

(2) “Defense shotgun” means any 12 gauge shotgun.

(3) “Manufacturer” means any person engaged in the manufacture of revolvers or shotguns.

(4) “Dealer” means any person engaged in the business of selling revolvers or shotguns at retail to the public.

(5) “Distributor” means any person other than a manufacturer or dealer engaged in the business of selling revolvers or shotguns.

(6) “Farmer or rancher” means any person who as owner or tenant of owner operates a farm or ranch on which live-stock, poultry, fowl, crops or other agricultural products are grown or produced for the purpose of sale. The term “farm or ranch” does not include a “Victory Garden”.

(b) *Restrictions on sales of new defense revolvers*. No person other than a

manufacturer or distributor shall sell, lease, trade, lend, deliver, ship, transfer or otherwise dispose of any new defense revolver except:

(1) For government's use only to any agency, department, office, or officer of the Federal Government or of any state or local government; or pursuant to orders placed by the government of the United Kingdom, Canada, and other Dominions; Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia; or for the account of any foreign country pursuant to the Act of March 11, 1941, “An Act to Promote the Defense of the United States” (Lend-Lease Act);

(2) That the limitations of this paragraph do not apply to any sales to or deliveries by the Defense Supplies Corporation.

(c) *Restrictions on sales of new defense shotguns*. (1) No person other than a manufacturer or distributor shall sell, lease, trade, lend, deliver, ship, transfer or otherwise dispose of any new defense shotgun, the net cost of which to him was \$45 or less, except:

(i) For government's use only to any agency, department, office, or officer of the Federal Government or of any state or local government; or pursuant to orders placed by the government of the United Kingdom, Canada, and other Dominions; Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia; or for the account of any foreign country pursuant to the Act of March 11, 1941, “An Act to Promote the Defense of the United States” (Lend-Lease Act);

(ii) To a farmer or rancher;

(iii) That the limitations of this paragraph do not apply to any sales to or deliveries by the Defense Supplies Corporation.

(2) The War Production Board may at any time issue individual written directives to manufacturers or to distributors requiring delivery of defense shotguns for emergency use. These directives will be issued only upon a showing that the shotguns are needed to meet the requirements of farmers and ranchers who live in an area where there is an unseasonal or exceptional need for such shotguns for the protection of crops and live-stock. Application for such directives shall be made by the manufacturer, distributor or dealer in writing on his own letterhead and shall state the facts showing that the shotguns applied for are needed to meet the requirements of farmers and ranchers who live in an area where there is an unseasonal or exceptional need for such shotguns for the protection of crops and live-stock. These applications shall be filed with the Government Bureau, War Production Board, Washington 25, D. C., Ref.: L-60. In emergency, applications may be made by telephone or telegraph.

(d) *Applicability of regulations*. This order and all transactions affected by it are subject to all applicable regulations of the War Production Board as amended from time to time.

(e) *Records*. All persons affected by this order shall keep and preserve for not less than 2 years accurate and complete records concerning inventories, purchases, production and sales.

(f) *Audit and inspection*. All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Reports*. All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as it shall from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. Sales of revolvers and shotguns made by dealers in accordance with the provisions of paragraphs (b) (1), (c) (1) (i) and (c) (1) (ii) shall be reported to the War Production Board by letter. A report covering sales for the period from the effective date of this order through August 31, 1945, shall be made not later than September 15, 1945 and a report covering sales for each two-month period following August 31, 1945 shall be made not later than the 15th day of the month following each period. For example, the report covering the period September–October, 1945, must be made not later than November 15, 1945. Each report must state the quantity of new defense revolvers or defense shotguns sold.

(h) *Violations*. Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Appeals*. Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds for the appeal.

(j) *Communications*. All communications concerning this order shall be addressed to War Production Board, Washington 25, D. C., Ref.: L-60.

Issued this 1st day of August 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-14124; Filed, Aug. 1, 1945;  
11:11 a. m.]

**PART 3294—IRON AND STEEL PRODUCTION  
[Supplementary Order M-18-a-1, Revocation]**

**CHROMIUM**

Section 3294.17 *Supplementary Order M-18-a-1* is revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under the order. Transactions relating to chromium remain subject to Direction 7 to General Preference Order M-21 and all

<sup>1</sup> Formerly Part 1121, § 1121.1.



other applicable orders and regulations of the War Production Board.

Issued this 1st day of August 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-14126; Filed, Aug. 1, 1945;  
11:11 a. m.]

PART 3294—IRON AND STEEL PRODUCTION  
[General Preference Order M-21, Direction 7]

CHROMIUM AND CHROME METAL

The following direction is issued pursuant to General Preference Order M-21:

(a) *Definitions.* (1) "Chromium" means low-carbon ferrochrome in the .06% maximum and .10% maximum carbon grades, low carbon chrome-x, and any other ferrochrome alloy containing .10% carbon or less. (2) "Chrome metal" means the element chromium in pure form.

(b) *Restrictions on the use of chromium and chrome metal.* No person shall melt or otherwise process chromium or chrome metal except as specifically authorized by the War Production Board.

(c) *Restrictions on deliveries of chrome metal.* No person shall place orders for, deliver, or accept delivery of chrome metal without specific authorization of the War Production Board.

(d) *Restrictions on deliveries of chromium.* Chromium may be ordered and delivered on rated orders or on unrated orders. However, suppliers of chromium must fill any order supported by an allocation in any one month before they may fill any unrated order for chromium calling for delivery in that month.

(e) *Basis of allocations.* The War Production Board will allocate chromium and chrome metal only to meet the requirements of rated orders. These allocations will include the specific quantities allocated and the particular persons authorized to receive delivery.

(f) *Applications for specific authorization.* Applications for specific authorization to melt or otherwise process chromium on rated or unrated orders and to melt or otherwise process chrome metal on rated orders shall be made on Form WPB-2933 or Form WPB-1770 or on such other form as may be prescribed for the purpose by the War Production Board.

Application for an allocation of chromium or chrome metal shall be made on Form WPB-689 or on such other form as may be prescribed for the purpose by the War Production Board. Applications shall be filed at such time and in such manner as may be required by the instructions accompanying the appropriate form prescribed by the War Production Board.

(g) *Small order exemptions.* (1) Any supplier may melt quantities of chromium as defined in paragraph (a) (1) not to exceed a total in any calendar month of 15,000 pounds of contained chromium, and not in excess of 250 pounds of chrome metal, as defined in paragraph (a) (2), without authorization under paragraph (b).

(2) Suppliers may deliver on rated orders chromium melted under the provisions of paragraph (g) (1) without regard to the instructions in paragraph (d) requiring preference to orders supported by allocations.

(3) Suppliers may deliver chrome metal melted under the provisions of paragraph (g) (1), and any consumer may accept de-

livery of such chrome metal, on rated orders without specific authorization as required by paragraph (c).

Issued this 1st day of August 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-14127; Filed, Aug. 1, 1945;  
11:11 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Interpretation 1]

SHIPMENT ON CONSIGNMENT

The following interpretation is issued with respect to General Allocation Order M-300:

Where Order M-300 requires a person to get authorization to make or accept a delivery, the requirement applies, in the absence of a contrary provision in the applicable schedule, to the making and acceptance of a shipment on consignment where the shipper retains ownership of the material after delivery. The War Production Board may, however, pursuant to paragraph (w) of Order M-300, authorize persons to make and accept shipments on consignment without getting specific authorization for each shipment but subject to their getting further authorization before transferring ownership or making any further delivery. This might be done to enable persons to carry on a usual course of business, as for example, where a person ships to a distributor for storage as property of the shipper pending sale by the distributor.

Material which has been shipped to another person on consignment is a part of the shipper's inventory under Order M-300 as long as he retains title, and in reporting inventory under Order M-300 he must report the material accordingly.

Issued this 1st day of August 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-14128; Filed, Aug. 1, 1945;  
11:11 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Supp. Order 45, Amdt. 22]

EXEMPTION FROM PRICE CONTROL OF SHIP AND BOAT REPAIRS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 1305.59 (c) (2) is added to read as follows:

(2) Repairs to ships and boats when undertaken for a war procurement agency. The term "war procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the War Shipping Administration, the Lend-Lease Section of the Procurement Division of the Treasury Department, or any agency of any of the foregoing.

This amendment shall become effective August 6, 1945.

Issued this 1st day of August 1945.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 45-14137; Filed, Aug. 1, 1945;  
11:17 a. m.]

PART 1305—ADMINISTRATION

[Supp. Order 107, Amdt. 1]

EXEMPTION OF CERTAIN SALES OF TEXTILES AND APPAREL TO WAR DEPARTMENT

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Order 107 is amended in the following respect:

1. Subdivision (iv) of section 1 (a) (1) is revoked.

This amendment shall become effective August 6, 1945.

Issued this 1st day of August 1945.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 45-14138; Filed, Aug. 1, 1945;  
11:17 a. m.]

PART 1306—IRON AND STEEL

[RPS 6, Amdt. 14]

IRON AND STEEL PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Price Schedule No. 6 is amended in the following respects:

1. Section 1306.8 (h) (3) (i) (b) is amended to read as follows:

(b) The extra of \$0.15 per hundred pounds for United States Government specifications requiring physical inspection or physical testing is restated to read for "U. S. Government specifications requiring physical testing," and this extra may be charged only when the steel is produced to definite physical specifications requiring tensile, impact, fracture, or similar tests.

2. Section 1306.8 (h) (3) (i) (f) is amended to read as follows:

(f) When strain and stress relieving or stabilizing by baking is specified or required to meet physical requirements of the U. S. Army and Navy specifications for 20 mm, 1.1", 37 mm and 40 mm shells and other ammunition components covered by U. S. Army specifications 57-107-29, AXS-485, and AXS-605 and U. S. Navy specifications OS-1231, OS-829, Grade C, and OS-829, Grade D (Class 2) and similar Army, Navy, Lend-

<sup>17</sup> F.R. 1215, 2132, 2153, 2209, 2097, 3115, 3941, 4780, 7240; 8948; 8 F.R. 6042, 7257, 6440; 9 F.R. 7601; 10 F.R. 520.

Lease, British or other specifications, the extra of \$0.45 per hundred pounds for annealing or normalizing may be charged, but such charge shall include all charges for physical testing, including magnetic testing and use of extensometer, and no other extras for physical testing may be charged.

3. Section 1306.10, Appendix A, is amended by adding a new paragraph (k) to read as follows:

(k) *Cold finished carbon steel bars—*

(1) *Base price.* Notwithstanding the provisions of any other section of this Revised Price Schedule No. 6 there may be added to the basing point base price otherwise established by this Schedule for cold finished carbon steel bars of all types and qualities, the sum of 10¢ per 100 pounds.

(2) *Filing requirements.* Every producer of cold finished carbon steel bars shall file with the Metals Price Branch, Office of Price Administration, Washington 25, D. C., Annual Financial Statements on OPA Form A within the time limits specified thereon; he shall also file within 30 days following the close of each calendar quarter, commencing with the third calendar quarter of 1945, quarterly profit and loss statements on OPA Form B—Interim Financial Report, together with a quarterly tonnage report showing separately:

(i) The number of tons of cold finished carbon steel bars shipped during said quarter;

(ii) The number of tons of cold finished carbon steel bars shipped during said quarter for which the extra for physical inspection or physical testing was charged pursuant to § 1306.8 (h) (3) (i) (b);

(iii) The number of tons of cold finished carbon steel bars shipped during said quarter for which the Strain and Stress Relieving extra was charged pursuant to § 1306.8 (h) (3) (i) (f);

(iv) Recapitulation of the amounts received for the items listed under (i), (ii), and (iii) of this subparagraph (2) setting forth the increased revenues derived by virtue of the increase granted in subparagraph (1) of this paragraph (k) and the decrease in revenue resulting from the revisions of the extras in § 1306.8 (h) (3) (i) (b) and (f).

(3) *Further adjustments.* All further adjustments of the base price as adjusted in subparagraph (1) of this paragraph (k) or of the extras set forth in § 1306.8 (h) (3) (i) (b) and (f) may be hereafter established by the issuance of orders pursuant to this section.

This amendment shall become effective August 6, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Approval expires May 31, 1946.

Issued this 1st day of August 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14131; Filed, Aug. 1, 1945; 11:16 a. m.]

## PART 1306—IRON AND STEEL

[RPS 49, Amdt. 31]

### RESALE OF IRON AND STEEL PRODUCTS

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

In § 1306.165 (a) (3) the definition of "mill carload base prices" is amended to read as follows:

"Mill carload base price" means the mill carload base price established by Revised Price Schedule No. 6 prior to January 11, 1945, the effective date of Amendment No. 11 to Revised Price Schedule No. 6. The mill carload base prices referred to in this § 1306.165 do not include any increases granted by that or any subsequent amendments to that schedule except the following: In the case of cold finished carbon steel bars, the mill carload base prices include the additions granted by Amendment No. 14 to Revised Price Schedule No. 6, issued August 1, 1945 and effective August 6, 1945, or any adjustments therein made by order issued pursuant to § 1306.10 (k) (3), of that Schedule.

This amendment shall become effective August 6, 1945.

Issued this 1st day of August 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14132; Filed, Aug. 1, 1945; 11:16 a. m.]

## PART 1340—FUEL

[MPR 88, Amdt. 30]

### FUEL OIL, GASOLINE AND LIQUEFIED PETROLEUM GAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 88 is amended in the following respects:

1. Section 3.4 (b) is amended as follows:

a. Price Area N description shall be amended to read as follows:

N comprises Wilmington, North Carolina, and Charleston, South Carolina.

b. Between the Price Area designated N and the Price Area designated O in the table of prices, the following is inserted:

	Dollars per 42-gallon barrel
N-1.....	\$1.57

c. The following is inserted between the description of Price Area N and the description of Price Area O:

N-1 comprises Savannah, Georgia; Jacksonville and Miami, Florida.

\*8 F.R. 4608, 4542, 7257, 7535, 7763, 7903, 8630, 9760, 13553, 13663; 9 F.R. C04, 1034, 3642, 4390, 4944, 5937, 6505, 6242, 11106.

d. The price set forth for Price Area O in the table of prices is amended as follows:

	Dollars per 42-gallon barrel
O.....	\$1.47

2. In section 5.1 (a) a new unnumbered paragraph is inserted between the fifth and sixth unnumbered paragraphs to read as follows:

The quotations in the above-named periodical for motor fuels as set forth on page 44 of such publication under the sub-heading "Humble Oil and Refining Company" shall not be used for determining a sellers' maximum price.

3. Section 6.4 (a) (1) (i) is amended by inserting a footnote reference numbered 13 after "Florida (east of the Apalachicola River)," and after "Georgia." Footnote 13 is amended to read:

"In Schedule D area, Georgia and Florida (east of the Apalachicola River), add \$.15 instead of \$.39.

4. Section 6.4 (a) (1) (ii) is amended by adding the following paragraph:

In Georgia and Florida (east of the Apalachicola River) maximum prices established prior to August 1, 1945 for any of the products listed in (i) above shall be reduced \$.15 per barrel.

5. Section 7.6 is amended to read as follows:

SEC. 7.6. In States other than those covered by section 7.4 and 7.5. Use of Reference Seller's Maximum Prices Optional. A seller's maximum tank wagon price in States other than those named in sections 7.4 and 7.5 for a particular grade of automotive gasoline, stove and lamp naphtha, kerosene, range or stove oil, distillate fuel oils, tractor and Diesel fuel, shall be his maximum price as determined or established under other provisions of the Regulation, or the reference tank wagon seller's maximum price for the same grade at the same point, whichever is higher.

This amendment shall become effective on the 1st day of August 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-14134; Filed, Aug. 1, 1945; 11:15 a. m.]

## PART 1340—FUEL

[MPR 120, Amdt. 145]

### BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 120 is amended in the following respects:

1. In § 1340.210 (a) a new subparagraph (18) is added to read as follows:

(18) A producer who in October 1941 was selling his coals for shipment by any

means other than rail, river, truck or wagon, such as by conveyor belt and pricing them by either his truck price schedule or rail schedule may continue to price his coals for such a shipment according to either the price schedule for all methods of transportation except truck or wagon or according to the schedule for shipment by truck or wagon whichever prices he used at that time. In the event he was not selling his coals for shipment by the same method of transportation in October 1941 or cannot determine a price for any reason he may request the establishment of prices for a sale by other means of transportation.

2. In § 1340.212 a new paragraph (c) is added to read as follows:

(c) Under the provisions of this regulation a differential of 18 cents per net ton is established between coals produced at a strip mine and coals produced at a deep mine. A producer of coals from a strip mine or a producer who buys coal from strip mines for preparation and resale may apply for a removal of this differential and the differential will be removed by order upon a showing, First, That his coals are such that they can be prepared so as to be generally acceptable in coal consuming markets. Second, that his preparation plant or tippie is equipped with screens, picking tables and, in general, with adequate facilities for preparing coal by removing refuse before loading into transportation facilities; Third, That his coal as loaded into transportation facilities is adequately prepared by use of such facilities.

If such preparation is not maintained, the Administrator may at any time re-establish the price differential.

3. In § 1340.213 paragraph (e) is amended by deleting the words "In paragraph (b) (2) of this section a differential of 25" before the words "cents per ton" and inserting in lieu thereof the words "Under the provisions of this regulation a differential of 30."

4. In § 1340.215 a new paragraph (c) is added to read as follows:

(c) Under the provisions of this regulation a differential of 26 cents per net ton is established between coals produced at a strip mine and coals produced at a deep mine. A producer of coals from a strip mine blending coals with deep mine coals or a producer who buys coal from strip mines for preparation and resale and blends them with deep mine coals may apply for a removal of this differential and the differential will be removed by order upon a showing; first, that his coals are such that they can be prepared so as to be generally acceptable in coal consuming markets, second, that his preparation plant or tippie is equipped with screens, picking tables and, in general, with adequate facilities for preparing coal by removing refuse before loading into transportation facilities; third, that his coal as loaded into transportation facilities is adequately prepared by use of such facilities. Fourth, that his coal contains not less than approximately 25% of coals produced at a deep mine or mines.

If such preparation is not maintained, the Administrator may at any time re-establish the price differential.

This Amendment No. 145 shall become effective August 1, 1945.

Issued this 31st day of July 1945.

CHESTER BOWLES,  
Administrator.

For the reasons set forth in the accompanying statement of considerations, and by virtue of the authority vested in me by the Price Control Act of 1942 as amended, and Executive Orders Nos. 9250 and 9328, I find that the issuance of this amendment to Maximum Price Regulation No. 120 is necessary to aid in the effective prosecution of the war.

WILLIAM H. DAVIS,  
Economic Stabilization Director.

[F. R. Doc. 45-14078; Filed, July 31, 1945; 4:02 p. m.]

#### PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT [MPR 452, Amdt. 10]

##### MANUFACTURERS' MAXIMUM PRICES FOR AUTOMOTIVE PARTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 452 is amended in the following respects:

1. The provision of Amendment 7 to Maximum Price Regulation 452 which amends section 7 (a) of that regulation is revoked, and the text of section 7 (a) as it appeared prior to the issuance of Amendment 7 is reinstated.

2. The effective date provision of Amendment 7 to Maximum Price Regulation 452 is amended to read as follows: "Amendment 7 shall become effective June 2, 1945."

This amendment shall become effective August 1, 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-14136; Filed, Aug. 1, 1945; 11:15 a. m.]

#### PART 1375—EXPORT PRICES

##### [2d Rev. Max. Export Price Reg., Amdt. 19] ADJUSTMENT OF MAXIMUM PRICES FOR SUBSIDIZED COMMODITIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

The Second Revised Maximum Export Price Regulation is amended by adding to section 2 a new paragraph (c) to read as follows:

(c) Such maximum domestic price may be increased by any amount which the seller—

9 F.R. 3301, 8814, 12038; 10 F.R. 6238, 6796, 7496.

(1) Would be entitled to receive in the nature of a Government subsidy or similar benefit if he sold the commodity for civilian consumption within continental United States but is not entitled to receive on sale thereof for shipment outside continental United States, or

(2) Is required to and does pay to any Government agency by way of reimbursement for any such subsidy or similar benefit received or to be received by him or by any other person from the Government with respect to such commodity.

This Amendment No. 19 shall become effective August 1, 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-14130; Filed, Aug. 1, 1945; 11:15 a. m.]

#### PART 1377—WOODEN CONTAINERS

[2d Rev. MPR 117]

##### USED EGG CASES AND USED COMPONENT PARTS

Revised Maximum Price Regulation 117 is redesignated Second Revised Maximum Price Regulation 117 and is revised and amended to read as follows:

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.

##### ARTICLE I—PROHIBITIONS AND SCOPE OF REGULATION

###### Sec.

1. Prohibition against dealing in used egg cases and used component parts at prices higher than maximum prices.
2. Less than maximum prices.
3. Transactions and products covered by the regulation.
4. Definitions.

##### ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

5. Maximum prices.
6. Additions for delivery.
7. Prohibited practices.

##### ARTICLE III—MISCELLANEOUS

8. Adjustable pricing.
9. Applications for adjustment or petitions for amendment.
10. Records.
11. Licenses.
12. Registration.
13. Enforcement.
14. Relation to other regulations.

AUTHORITY: § 1377.11 Issued under 58 Stat. 23, 765; Pub. Law 161, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

##### ARTICLE I—PROHIBITION AND SCOPE OF REGULATION

SEC. 1. *Prohibition against dealing in used egg cases and used component parts at prices higher than maximum prices.* Regardless of any contract, agreement, or other obligation, no person may sell or deliver, and no person may buy or receive used egg cases or used component parts at prices higher than the maximum prices established in this regulation; and no person shall agree, offer, or attempt to do any of these things.

The provisions of this regulation shall not be applicable to sales or purchases, if, prior to the effective date of the regulation, used egg cases or parts have been received by a carrier, other than one owned or controlled by the seller, for delivery to the purchaser.

Sec. 2. *Less than maximum prices.* Nothing in this regulation shall prevent the sale or purchase of used egg cases or used component parts at less than maximum prices.

Sec. 3. *Transactions and products covered by the regulation.*—(a) *Transactions covered.* This regulation covers all sales and all purchases of used egg cases or component parts within the continental limits of the United States.

(b) *Products covered.* This regulation covers all used standard egg cases of 30 dozen capacity, whether made of wood or fiber, and used standard fiber egg cases of 15 dozen capacity and all used component parts thereof.

Sec. 4. *Definitions.*—(a) "Used egg case." As used in this regulation, "used egg case" is a used standard container, either wood or fiber, with a capacity of 30 dozen eggs, with new or used cover, new or used flats and new or used fillers, or a standard fiber container with a capacity of 15 dozen eggs with a new or used cover, new or used flats and new or used fillers.

(b) *An "egg producer."* An egg producer is anyone engaged in raising poultry for the production of eggs for sale. The prices provided for sales of egg cases to egg producers are intended to cover only sales of cases used in marketing the egg producer's output and do not cover sales to dealers in egg cases who incidentally market some eggs.

(c) *Poultrymen's cooperative association.* A "poultrymen's cooperative association" as used in this regulation is any association of poultry producers which satisfies the standards for a cooperative association as established in the Capper-Volstead Act (42 Stat. at Large 388, (1922), 7 U. S. C., sections 291-2) and which is recognized as a cooperative association by the Farm Credit Administration of the Federal Government.

#### ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

Sec. 5. (a) *Maximum prices.* Sales by governmental agencies (including military and naval installations) and sale and purchases by poultrymen's cooperatives are provided for separately. The maximum prices for all other sales of used egg cases and used component parts are set forth below:

Egg producers may pay a maximum delivered price of 40¢ each for a complete used 30-dozen egg case (20¢ for a fifteen-dozen case) with utility equal to that of a new case measured in terms of one time carrying of eggs from producer to market provided there is affixed an easily noticeable paper label stating that the case is warranted by a registered seller to have the utility of a new case and setting forth the name and address of the guarantor and his registration number.

Used egg cases having the utility of new cases measured in terms of one time

carrying ability from egg producer to market to which there is affixed an easily noticeable paper label stating that the case is warranted by a registered seller to have the utility of a new case and setting forth the name and address of the guarantor and his registration number may be sold to persons other than egg producers at 32 cents each for a 30-dozen case or 16 cents each for a 15-dozen case f. o. b. seller's loading point or cars.

The maximum price on all other sales of used egg cases, except by governmental agencies (including military and naval installations), shall be 17 cents for a 30-dozen case and 9 cents for a 15-dozen case f. o. b. seller's loading point or cars.

TABLE I

Prices for complete cases and parts thereof shall be as follows:

	Complete cases	Shells	Sets of flats	Sets of fillers	Covers
<b>30-dozen cases</b>					
Warranted cases sold to egg producers (delivered), each.....	\$0.40	\$0.21	\$0.07	\$0.07	\$0.05
Warranted cases sold to other than egg producers (f. o. b. seller's loading point or cars), each.....	.32	.10	.03	.03	.04
All other cases (f. o. b. seller's loading point or cars), each.....	.17	.05	.04	.04	.04
<b>15-dozen cases</b>					
Warranted cases, sold to egg producers (delivered), each.....	.20	.10	.04	.04	.02
Warranted cases, or parts, sold to other than egg producers (f. o. b. seller's loading point or cars), each.....	.10	.03	.03	.03	.02
All other cases (f. o. b. seller's loading point or cars), each.....	.05	.04	.02	.02	.04

TABLE II

Maximum prices: Sales by government agencies including military and naval installations. (F. o. b. seller's loading point or cars.)

<b>30-dozen cases, each:</b>	
Shells.....	\$0.11
Flats (sets).....	.04
Fillers (sets).....	.04
Covers.....	.01
Complete.....	.20
<b>15-dozen cases, each:</b>	
Shell.....	.05
Flats (sets).....	.02
Fillers (sets).....	.02
Covers.....	.01
Complete.....	.10

Poultrymen's cooperatives shall, for the purposes of this regulation, be considered egg producers, but they shall be permitted to sell used egg cases to their members at purchase cost plus handling and delivery cost.

All sellers desiring to become registered sellers with the privilege of warranting cases to have new case utility must fill out a form provided by the Regional Office of Price Administration or a duly authorized District Office and receive a certificate of registration. Registered sellers must affix an easily noticeable paper label to all cases or parts which they sell stating that the cases or

parts are warranted to be in new case condition, giving the name and address of the seller and giving the registration number provided him by the appropriate Regional Office or a duly authorized District Office of the Office of Price Administration. All other labels must be effaced. Registered sellers shall be required to sell all cases handled by them under warranty that they are in new case condition.

Sec. 6. *Additions for delivery* except on sales to egg producers (in which case the price listed is a delivered price). On shipments by common or contract carriers the actual cost of transportation paid or incurred by the seller may be added to the maximum price, f. o. b. seller's loading plant. If shipment is by private truck owned or controlled by the seller, actual transportation costs may be added; except that in no case shall the addition exceed 80 percent of the common carrier truck charges for the same shipment.

Sec. 7. *Prohibited practices.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings, changes in discount practices, dealing in eggs on a "cases returned" basis and the like.

#### ARTICLE III—MISCELLANEOUS

Sec. 8. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

Sec. 9. *Applications for adjustment and petitions for amendment.*—(a) *Government contracts.* (1) The term "Government contracts" is here used to include any contract with the United States or any of its agencies, or with the Government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to pro-

mote the defense of the United States." It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "Government contract" and who thinks that a maximum price established in this regulation is impeding or threatens to impede distribution of used egg cases and used component parts which are essential to the war program and which are or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6,<sup>1</sup> issued by the Office of Price Administration.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,<sup>2</sup> issued by the Office of Price Administration.

**SEC. 10. Records and reports.** (a) All persons making sales covered by this regulation which amount to \$50.00 or more in any one month must keep records which will show a complete description of the containers sold, the quantity, price, date of sale and the name and address of the buyers. Buyers whose purchases covered by this regulation amount to \$50.00 or more in any one month must keep similar records including the name and address of the seller.

These records must be kept for two years, or for the duration of the Emergency Price Control Act of 1942, as amended, whichever period is the shorter, for inspection by the Office of Price Administration.

**SEC. 11. Licenses.** A license is necessary to make sales of the commodities covered by this regulation. A license is automatically granted to all persons now or hereafter making these sales. The license may be suspended for violations in connection with sales of any commodity which the seller is licensed to sell, and no person whose license is suspended may sell any such commodity during the period of suspension.

**SEC. 12. Registration.** All persons desiring to become registered sellers with the privilege of warranting used egg cases to have new case utility must file their qualifications on a form provided by the Regional Office of Price Administration or a duly authorized District Office within 30 days from the issuance of the regulation or within 30 days from entering business and receive a certificate of registration. Certificates of registration will be granted by letter to persons who qualify. Registration of all sellers may later be required. All outstanding registrations are cancelled as of the effective date of this regulation.

**SEC. 13. Enforcement.** (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies. Sales and purchases by such agencies are nevertheless subject to the terms of the regulation.

**SEC. 14. Relation to other regulations—**  
(a) *General Maximum Price Regulation.* Any sale or delivery covered by this regulation is not subject to the General Maximum Price Regulation,<sup>3</sup> except that sales, purchases and deliveries of commodities covered by this regulation which originate outside of and are imported into the continental United States are governed by the Maximum Import Price Regulation.<sup>4</sup>

(b) *Second Revised Maximum Export Regulation.* The maximum price for ex-

port sales of used egg cases is governed by the Second Revised Maximum Export Regulation.<sup>4</sup>

This regulation shall become effective August 31, 1945.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 1st day of August 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14135; Filed, Aug. 1, 1945; 11:16 a. m.]

## PART 1388—DEFENSE-RENTAL AREAS

[Housing,<sup>5</sup> Corr.]

### HOUSING

In Schedule A of the Rent Regulation for Housing, items 662 and 320 are corrected to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(66a) Daytona Beach.....	Florida.....	Volusia.....	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(320) Killean-Temple.....	Texas.....	Bell.....	Mar. 1, 1942	Nov. 1, 1942	Dec. 10, 1942
	Texas.....	Lampasas.....	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943

Issued and effective August 1, 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14139; Filed, Aug. 1, 1945; 11:18 a. m.]

## PART 1388—DEFENSE-RENTAL AREAS

[Housing, New York City,<sup>6</sup> Corr.]

### HOUSING IN NEW YORK CITY

Section 4 (e) of the Rent Regulation for Housing in the New York City Defense-Rental Area is corrected to omit the parenthetical remark in the first sentence of the second paragraph: "(except where a registration statement was filed prior to October 1, 1945)", and the date in the same sentence is corrected to read "November 1, 1943."

Issued and effective this 1st day of August 1944.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14140; Filed, Aug. 1, 1945; 11:18 a. m.]

## PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11,<sup>7</sup> Amdt. 63]

### FUEL OIL

A rationale for this amendment has been issued simultaneously herewith and

<sup>3</sup> 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978, 6047, 6962, 8511, 991, 11955.

<sup>4</sup> 8 F.R. 4132, 5987, 7662, 9998.

<sup>5</sup> 10 F.R. 3436, 3555, 3951, 4714, 4713, 5089, 5577, 5603, 6074, 6400.

has been filed with the Division of the Federal Register.

Revised Ration Order 11 is amended in the following respects:

Section 1394.5159 (b) is amended to read as follows:

(b) *PAW exceptions and authorizations.* The restrictions contained in paragraphs (a) (2), (a) (4) or (a) (11) shall not apply if the Petroleum Administration for War has granted the applicant a currently valid exception under Petroleum Distribution Order No. 13, as amended, with respect to the specific restriction. The restriction in paragraph (a) (12) shall not apply if the Petroleum Administration for War has granted the applicant a currently valid waiver of the provisions of Petroleum Directive No. 72, as amended, with respect to the restriction. In such cases the ration shall be issued (pursuant to the applicable provisions of this order) only for the period and in the amount specified in the exception or waiver granted by the Petroleum Administration for War. If the exception or waiver limits the applicant to the use of a specified grade of fuel oil, the ration issued may not be used to acquire or consume any grade of fuel oil other than that specified.

This amendment shall become effective August 1, 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-14133; Filed, Aug. 1, 1945; 11:15 a. m.]

<sup>6</sup> 9 F.R. 14937; 10 F.R. 331, 1452, 1974, 2400, 3014.

<sup>7</sup> 9 F.R. 2357.

<sup>1</sup> 7 F.R. 5087, 5664; 8 F.R. 6175, 6174, 12024.

<sup>2</sup> 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.



PART 1499—COMMODITIES AND SERVICES  
[MPR 586, Supp. Storage Reg. 3]

MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY MAXIMUM PRICE REGULATION 586 FOR COTTON WAREHOUSING IN THE SOUTHEAST

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Sec.

1. General statement.
2. Definitions.
3. Producer loan cotton.
4. Government purchase cotton (not reconcentrated).
5. Government pooled cotton and reconcentrated Government purchase cotton.
6. Government owned cotton of crops prior to 1944.
7. Shipper cotton.
8. Transferring cotton from one program to another.
9. Reweighing and resampling.
10. Incidental services.
11. Determination of storage period—8-day rule.

AUTHORITY: § 1499.692 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *General statement.* (a) This regulation covers all modifications of maximum prices established by Maximum Price Regulation 586<sup>1</sup> for the storage and handling of cotton by "non-compress" warehouses in the Southeast. To this extent it supersedes Supplementary Storage Regulation 2<sup>2</sup> under Maximum Price Regulation 586.

(b) The provisions of this regulation supersede the general pricing provisions (sections 5, 6, and 7) of Maximum Price Regulation 586. Storage and terminal services affected by this regulation are, however, subject to all other provisions of Maximum Price Regulation 586 unless provided to the contrary in particular sections herein.

(c) This regulation covers "non-compress" cotton warehousing services within the states of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia. It does not cover gin yard storage subject to Maximum Price Regulation 211. (See section 3 (c) (6) of Maximum Price Regulation 586.)

(d) Maximum prices established by this regulation apply only to services performed on or after August 1, 1945. Increased storage rates may be applied to cotton in storage as of the beginning of the next storage month (as customarily computed) following July 31, 1945. The increased charges for handling-in-and-out apply *only* to cotton received on or after August 1, 1945.

SEC. 2. *Definitions.* (a) The term "producer loan cotton" means cotton which is subject to a loan made by the United States Government or any agency thereof and which is still subject to redemption of individual notes by individual producers. It also includes cotton

harvested after August 1, 1945, which is eligible for government loan or purchase but which is actually subject to similar loans made by banks, and cotton being accumulated by producers for tender under government loan, bank loan, or government purchase programs. The producer may signify his intention of placing the cotton under such programs by paying or offering to pay the 60¢ handling charge provided in Section 3 at the time the cotton is received by the warehouse.

(b) The term "government pooled cotton" means cotton which is subject to a loan made by the United States Government or any agency thereof, but which by the terms of the loan may no longer be released by redemption of individual notes, although the original producers may still have an equity in the final proceeds of the sale of such cotton.

(c) The term "government owned cotton" means cotton harvested prior to August 1, 1944, which is owned by the United States Government or any agency thereof.

(d) The term "government purchase cotton" means cotton purchased by the United States Government or any agency thereof, out of crops harvested since August 1, 1944.

(e) The term "shipper cotton" means all cotton not included under the above definitions of "producer loan cotton", "government pooled cotton", "government owned cotton", or "government purchase cotton".

(f) The term "handling in and out of warehouse" includes receiving, tagging, weighing on arrival, taking one set of samples on arrival, incidental storage of such samples and transmitting the samples to designated classing offices, filling out schedules of warehouse receipts, picking out by tag numbers, and loading according to custom into cars or trucks.

(g) The term "non-compress" refers to cotton storage and handling services of a warehouse which does not have compress facilities, or a warehouse which does not customarily make a charge for compressing cotton or make a penalty charge for delivery of uncompressed cotton even though such warehouse does operate compress facilities.

SEC. 3. *Producer loan cotton.* Maximum charges for storage and handling of "producer loan cotton" shall be:

(a) For "handling in and out of warehouse", 35¢ per bale plus surcharge 25¢ per bale, total 60¢ per bale.

(b) For storage per bale per month or fraction thereof, including fire insurance:

(1) First 6 months, 20¢ plus surcharge 5¢, total 25¢.

(2) After the first 6 months, 17½¢ plus surcharge 5½¢, total 23¢.

SEC. 4. *Government purchase cotton (not reconcentrated).* Maximum charges for storage and handling of "government purchase cotton" in the same warehouse as when purchased shall be:

(a) For "handling in and out of warehouse," 35¢ per bale plus surcharge 25¢ per bale, total 60¢ per bale.

(b) For storage per bale per month or fraction thereof, 17½¢ plus surcharge 5½¢, total 23¢.

(c) Warehousemen are not required to provide fire insurance but from the foregoing storage rate shall be deducted one-half of the average fire-insurance rate per \$100 per month paid under the warehouseman's insurance policy covering cotton on which the warehouseman has insured warehouse receipts outstanding, or under the standard form of fire insurance policy approved by the State in which the cotton is stored.

In computing insurance deductions average rates applying to a particular warehouseman and other means of facilitating computations mutually agreed upon by the warehouseman and government may be used.

SEC. 5. *Government pooled cotton and reconcentrated Government purchase cotton.* Maximum charges for storage and handling of "government pooled cotton" and reconcentrated government purchase cotton shall be:

(a) For services of receiving, weighing, tagging, sampling, issuing warehouse receipts, and placing the cotton in storage, 25¢ per bale plus surcharge 4¢ per bale, total 29¢ per bale.

(b) For storage per bale per month or fraction thereof:

(1) Not compressed, 17½¢ plus surcharge 5½¢, total 23¢.

(2) Compressed, 15¢ plus surcharge 3¢, total 18¢.

(c) Warehousemen are not required to provide fire insurance but from the foregoing storage rates shall be deducted one-half of the average fire insurance rate per \$100 per month paid under the warehouseman's insurance policy covering cotton on which the warehouseman has insured warehouse receipts outstanding, or under the standard form of fire insurance policy approved by the State in which the cotton is stored.

In computing insurance deductions average rates applying to a particular warehouseman and other means of facilitating computations mutually agreed upon by the warehouseman and government may be used.

SEC. 6. *Government owned cotton.* Maximum charges for storage and handling of "government owned cotton" shall be:

(a) For services of receiving, weighing, tagging, sampling, issuing warehouse receipts and placing the cotton in storage, 25¢ per bale plus surcharge 4¢ per bale, total 29¢ per bale.

(b) For storage per bale per month or fraction thereof:

(1) Not compressed, 15¢ plus surcharge 5¢, total 20¢.

(2) Compressed, 12½¢ plus surcharge 2½¢, total 15¢.

(c) Warehousemen are not required to provide fire insurance but from the foregoing storage rates shall be deducted one-half of the average fire insurance rate per \$100 per month paid under the warehouseman's insurance policy covering cotton on which the warehouseman has insured warehouse receipts outstanding, or under the standard form of

<sup>1</sup> 10 F.R. 5797.

<sup>2</sup> 10 F.R. 5804.

fire insurance policy approved by the State in which the cotton is stored.

In computing insurance deductions average rates applying to a particular warehouseman and other means of facilitating computations mutually agreed upon by the warehouseman and government may be used.

**SEC. 7. Shipper cotton.** Maximum charges for storage and handling in and out of warehouse of "shipper cotton" shall be either the charges determined under paragraph (a) below or the charge set forth in paragraph (b) below, depending upon the election made by each warehouseman on or before November 8, 1942 (and then required to be filed in District Offices):

(a) Maximum charges for storage and handling in and out of warehouse computed under section 5 of Maximum Price Regulation 586, plus 17 per cent thereof.

(b) Specific maximum charges:

(1) For "handling in and out of warehouse", 35¢ per bale plus surcharge 25¢ per bale, total 60¢ per bale.

(2) For storage per bale per month or fraction thereof, including fire insurance if the seller included fire insurance in the storage charges made to purchaser of the same class during the month of March 1942:

(i) For the first 6 months, 20¢ plus surcharge 5¢, total 25¢.

(ii) After 6 months, 17½¢ plus surcharge 5½¢, total 23¢.

**SEC. 8. Transferring cotton from one program to another.** The following rules must be observed when cotton is transferred from one program or category to another:

(a) If cotton is transferred between loan, purchase, or shipper categories without physical handling (other than reweighing or resampling for which separate charges are provided), no charge may be made for the transfer nor may the total charges for handling in and out exceed the highest charges applicable under any one of the programs.

(b) In computing these charges the extent to which the storage charge on shipper cotton for the first month exceeds storage charges for subsequent months shall be considered a handling-in charge. For example, if a warehouseman's shipper tariff provides 41¢ for the first month and 29¢ for subsequent months and cotton tendered originally under this tariff is transferred to the loan or purchase program, the warehouseman may collect the difference between 60¢ and 12¢ or 48¢ at that time. If the cotton is subsequently sold to a shipper, the storage charges will thereafter begin to accrue at 29¢ rather than at 41¢.

(c) No charges for turnout or delivery services included in the definition of "handling in and out" may be assessed unless such turnout charge applicable on shipper cotton is sufficient when combined with the handling-in charge to exceed 60¢. In the example given above, the warehouseman could collect from the shipper 11¢ out of a 59¢ turnout charge.

**SEC. 9. Reweighing and resampling.** Maximum charges for reweighing, (including furnishing weight sheets) or resampling (including furnishing one set of samples and delivering samples locally), per bale, shall be:

(a) Reweighing at time of shipment, 10¢, no surcharge, total 10¢.

(b) Resampling at time of shipment, 10¢, no surcharge, total 10¢.

(c) Reweighing, except at time of unloading or shipment, 20¢ plus 5¢ surcharge, total 25¢.

(d) Resampling, except at time of unloading or shipment, 20¢ plus 5¢ surcharge, total 25¢.

(e) Reweighing and resampling, except at time of unloading or shipment, 30¢ plus 5¢ surcharge, total 35¢.

(f) Drawing an extra or double sample at time of any sampling, 10¢, no surcharge, total 10¢.

**SEC. 10. Incidental services.** Maximum charges for incidental services, including classing, reconditioning, drayage and the service of compression when performed by warehousemen who do not ordinarily compress cotton and are therefore subject to this Supplementary Storage Regulation 3, shall be the maximum charges established by Maximum Price Regulation 586, plus 17 per cent thereof.

**SEC. 11. Determination of storage period—8-day rule.** (a) Maximum storage charges shall be computed at the applicable maximum rates through the eighth day after the first valid shipping date regardless of when the cotton actually is shipped.

(b) The first valid shipping date for a given lot shall be the latest of the following:

(1) The date on which shipping instructions accompanied by warehouse receipts are received by the warehouseman.

(2) A date specified in the shipping instructions as a shipping date.

(3) The first valid shipping date authorized in a permit from the Office of Defense Transportation or other government agency if such a permit is required.

(4) The date on which cotton ordered from other plants for consolidation is actually received.

(c) This section shall not be construed as authorizing increased charges against transit cotton when the shipper has complied with the free-time requirements of the transit rules.

(d) Notwithstanding provisions of this section, the United States Government or any agency thereof may pay for additional storage to the extent determined by it to be reasonable in view of extraordinary circumstances such as the furnishing of shipping instructions covering large numbers of bales.

This amendment shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14080; Filed, July 31, 1945;  
4:03 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[MPR 586, Amdt. 1 to Supp. Storage Reg. 2]

MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY MAXIMUM PRICE REGULATION 586 FOR COTTON WAREHOUSING AND COTTON COMPRESSING

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Supplementary Storage Regulation 2 is amended in the following respects:

1. In section 1 the last undesignated paragraph is amended to read as follows:

This regulation covers all cotton warehousing and cotton compressing performed within the cotton belt except cotton warehousing performed in "non-compress" facilities in the "Southeast", which services are covered by Supplementary Storage Regulation 3. It does not cover gin-yard storage subject to Maximum Price Regulation 211. (See section 3 (c) (6) of MPR 586.)

2. In section 2, paragraphs (b) and (h) are amended and paragraph (i) is added, to read as follows:

(b) The term "government loan cotton" means cotton which is subject to a loan made by the United States Government or any agency thereof and which is still subject to redemption of individual notes by individual producers. It also includes cotton harvested after August 1, 1945 which is eligible for government loan or purchase but which is actually subject to similar loans made by banks, and cotton being accumulated for tender under government loan, bank loan, or government purchase program.

(h) The term "non-compress facilities" refers to cotton storage and handling services of a warehouse which does not have compress facilities, or which does not customarily make a charge for compressing cotton or assess a penalty charge for delivery of uncompressed cotton even though it does operate compress facilities.

(i) The "Southeast" means the states of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia.

3. Section 3 (b) (2) is amended to read as follows:

(2) Storage of cotton in "non-compress" facilities, 21½¢ per bale per month, or fraction thereof, for first 6 months of storage and 20¢ per bale per month, or fraction thereof, thereafter.

4. Section 4 (b) (2) is amended to read as follows:

(2) Storage of uncompressed cotton in "non-compress" facilities, 20¢ per bale per month or fraction thereof.

5. Section 5 (b) (2) (ii) is amended to read as follows:

(ii) Storage of uncompressed cotton in "non-compress" facilities, 17½¢ per bale per month, or fraction thereof.

6. In section 6 the section heading and the textual matter preceding paragraph (a) is amended to read as follows:

**SEC. 6. Government owned cotton of the 1944-45 and later crops.** Maximum prices for storage and handling services performed on government owned cotton harvested since August 1, 1944 shall be:

7. Section 6 (b) is amended to read as follows:

(b) For storage:

(1) Cotton, compressed or uncompressed, stored in warehouses operating compress facilities, 18¢ per bale per month or fraction thereof.

(2) Compressed cotton stored in "non-compress" facilities, 18¢ per bale per month or fraction thereof.

(3) Uncompressed cotton stored in "non-compress" facilities, 23¢ per bale per month or fraction thereof.

8. Section 7 (b) (2) (ii) is amended to read as follows:

(ii) Cotton stored in "non-compress" facilities, 21½¢ per bale per month or fraction thereof, for the first 6 months of storage and 20¢ per bale per month, or fraction thereof, thereafter.

9. Section 9 is amended to read as follows:

**SEC. 9. Recompression from standard density to high density.** Any compress operator whose maximum charges for recompressing cotton from standard density to high density are less than his maximum charges for compressing uncompressed cotton to high density may increase his charges for recompressing cotton from standard density to high density to the same as his charges for compressing uncompressed cotton to high density.

10. In section 10, the section heading and paragraph (a) are amended, to read as follows:

**SEC. 10. Surcharge.** (a) Cotton warehousemen may charge, for the services of storing, receiving, handling, and compressing cotton and for miscellaneous services in connection with the warehousing of cotton, their maximum charges established by this Supplementary Storage Regulation (or by Maximum Price Regulation 586 if this regulation does not establish a specific maximum charge), plus a surcharge of 17 per cent, unless the application of such surcharge is expressly barred or limited by particular provisions herein (See section 6 (d)).

11. A new section 11 is added, to read as follows:

**SEC. 11. Determination of storage period—8-day rule.** (a) Maximum storage charges shall be computed at the applicable maximum rates through the eighth day after the first valid shipping date regardless of when the cotton actually is shipped.

(b) The first valid shipping date for a given lot shall be the latest of the following:

(1) The date on which shipping instructions accompanied by warehouse receipts are received by the warehouseman.

(2) A date specified in the shipping instructions as a shipping date.

(3) The first valid shipping date authorized in a permit from the Office of Defense Transportation or other government agency if such a permit is required.

(4) The date on which cotton ordered from other plants for consolidation is actually received.

(c) This section shall not be construed as authorizing increased charges against transit cotton when the shipper has complied with the free-time requirements of the transit rules.

(d) Notwithstanding provisions of this section, the United States Government or any agency thereof may pay for additional storage to the extent determined by it to be reasonable in view of extraordinary circumstances such as the furnishing of shipping instructions covering large numbers of bales.

This amendment shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLIE,  
Acting Administrator.

[F. R. Doc. 45-14079; Filed, July 31, 1945; 4:03 p. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

[Rev. S. O. 104, Amdt. 1]

#### PART 95—CAR SERVICE

##### SUBSTITUTION OF REFRIGERATOR FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of July, A. D. 1945.

Upon further consideration of Revised Service Order No. 104 (10 F.R. 9338) and good cause appearing therefor: *It is ordered*, That:

Revised Service Order No. 104 (10 F.R. 9338) be, and it is hereby, amended by substituting the following paragraph (a) (1) in lieu of paragraph (a) (1) thereof:

*Substitution of refrigerator cars for box cars.* (a) (1) Except as provided in paragraph (a) (2) any common carrier by railroad subject to the Interstate Commerce Act transporting:

(i) Westbound shipments in carloads originating at points shown as origin points in Agent L. E. Klipp's tariffs, I. C. C. Nos. 1492 and 1493, supplements thereto or reissues thereof, destined to points in the States of Montana, Wyoming, Colorado, New Mexico, and States west thereof, also El Paso, Texas, or

(ii) Westbound shipments in carloads originating at points in the State of Utah and destined to points in the States of California or Nevada, or

(iii) Southbound shipments in carloads originating at points in the State of Washington and destined to points in the State of California,

shall, when freight to be transported is suitable, and facilities are suitable, for loading in RS type refrigerator cars and when such refrigerator cars are reasonably available, furnish and transport not more than three (3) of those refrigerator cars in lieu of each box car ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

*It is further ordered*, That this order shall become effective at 12:01 a. m., August 6, 1945; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 45-14115; Filed, Aug. 1, 1945; 10:58 a. m.]

[S. O. 293, Amdt. 1]

#### PART 95—CAR SERVICE

##### RECONSIGNMENT OF HAY RESTRICTED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of July, A. D. 1945.

Upon further consideration of Service Order No. 293 (10 F.R. 2838), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 293 (10 F.R. 2838) be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., October 15, 1945, unless otherwise modified, changed, suspended, or annulled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

*It is further ordered*, That this order shall become effective at 12:01 a. m., August 1, 1945; that copies of this order and direction shall be served upon the State railroad regulatory bodies of all States; and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 45-14116; Filed, Aug. 1, 1945; 10:53 a. m.]

Chapter II—Office of Defense  
Transportation

[Administrative Order ODT 6B, Amdt. 9]

## PART 503—ADMINISTRATION

ESTABLISHMENT OF REGIONS, DISTRICTS, AND  
FIELD OFFICES OF HIGHWAY TRANSPORT  
DEPARTMENT

Pursuant to Executive Orders 8989, as amended, and 9156, *It is hereby ordered*, That Appendix 2 of Administrative Order ODT 6B, as amended (9 F.R. 12289, 13069; 10 F.R. 525, 1940; 3139, 5119, 7197, 8561, 8912), be, and it hereby is, further amended in the following particulars:

(1) Under the subtitle "Region 1" thereof the matter opposite Massachusetts is amended to read as follows:

Massachusetts: District Office: Boston.

(2) Under the subtitle "Region 1" thereof the matter opposite New York is amended to read as follows:

New York: District Offices: Albany, Binghamton, Buffalo, New York, and Syracuse.

(3) Under the subtitle "Region 3" thereof the matter opposite Ohio is amended to read as follows:

Ohio: District Offices: Cincinnati, Cleveland, Columbus, and Toledo. Field Offices: Canton, Dayton, and Youngstown.

(4) Under the subtitle "Region 4" thereof the matter opposite Florida is amended to read as follows:

Florida: District Office: Jacksonville.

(5) Under the subtitle "Region 5" thereof the matter opposite Missouri is amended to read as follows:

Missouri: District Offices: Kansas City and St. Louis. Field Office: Springfield.

(6) Under the subtitle "Region 6" thereof the matter opposite Iowa is amended to read as follows:

Iowa: District Offices: Davenport, Des Moines, and Sioux City.

(7) Under the subtitle "Region 7" thereof the matter opposite Montana is amended to read as follows:

Montana: District Office: Butte.

Paragraph (1) of this Amendment 9 to Administrative Order ODT 6B shall become effective August 31, 1945. Paragraph (2) of this Amendment 9 to Administrative Order ODT 6B shall become effective August 4, 1945. Paragraphs (3), (4), (5), and (6) of this Amendment 9 to Administrative Order ODT 6B shall become effective July 31, 1945. Paragraph (7) of this Amendment 9 to Administrative Order ODT 6B shall become effective August 15, 1945.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349)

Issued at Washington, D. C., this 31st day of July 1945.

J. M. JOHNSON,  
Director,  
Office of Defense Transportation.

[F. R. Doc. 45-14073; Filed, July 31, 1945; 3:28 p.m.]

## Notices

## DEPARTMENT OF AGRICULTURE

## Rural Electrification Administration.

[Administrative Order 927]

## ALLOCATION OF FUNDS FOR LOANS

JUNE 30, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Arkansas 5-46031B1 Ashley.....	\$225,000
Florida 5-46023A4 Levy.....	50,000
Georgia 5-46065C3 Irwin.....	50,000
Georgia 5-46069D1 Washington.....	140,000
Illinois 5-46026H1 Iroquois.....	200,000
Indiana 5-46015D1 Fayette.....	50,000
Iowa 5-46053D1 Linn.....	75,000
Kansas 5-46032E1 Reno.....	125,000
Louisiana 5-46009F1 Lafayette.....	160,000
Michigan 5-46040D1 Allegan.....	400,000
Missouri 5-46037C1 Bates.....	135,000
Montana 5-46015D1 Fergus.....	105,000
Nebraska 5-46044F1 Eastern Nebraska District Public.....	300,000
Nebraska 5-46066B2 Nebraska District Public.....	100,000
North Carolina 5-46037D1 Davie.....	331,000
North Carolina 5-46053B1 Burke.....	118,000
Oklahoma 5-46018F1 Beckham.....	120,000
Oregon 5-46016C1 Malheur.....	97,000
South Carolina 5-46033B1 Cherokee.....	90,000
Tennessee 5-46001K1 Meigs.....	181,000
Texas 5-46038F1 Hill.....	100,000
Texas 5-46076F1 Blanco.....	524,000
Texas 5-46088B4 Nueces.....	100,000
Texas 5-46114B1 Tom Green.....	100,000
Washington 5-46008E1 Benton.....	137,000

[SEAL] WILLIAM J. NEAL,  
Acting Administrator.

[F. R. Doc. 45-14076; Filed, July 31, 1945; 3:13 p.m.]

[Administrative Order 928]

## ALLOCATION OF FUNDS FOR LOANS

JUNE 30, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Indiana 5-46011C2 Warren.....	\$140,000
Indiana 5-46099C1 Spencer.....	265,000
Indiana 5-46100C1 Newton.....	85,000
Iowa 5-46034F1 Jones.....	230,000
Iowa 5-46073C1 Adair.....	150,000
Kansas 5-46030B2 Nemaha.....	100,000
Kansas 5-46034D1 Barton.....	220,000
Kansas 5-46039A4 Pottawatomie.....	100,000
Kansas 5-46048A1 Ford.....	150,000
Louisiana 5-46017L1 Claiborne.....	490,000
Minnesota 5-46068H1 Scott.....	130,000
Minnesota 5-46070G4 Hennepin.....	180,000
Missouri 5-46020D1 Marion.....	130,000
Missouri 5-46047D1 Cooper.....	168,000
Nebraska 5-46065B2 Wayne District Public.....	120,000
Oklahoma 5-46019D1 Craig.....	145,000
South Carolina 5-46022B3 Fairfield.....	50,000

Project designation—Continued.	Amount
South Carolina 5-46022C1 Fairfield.....	\$108,000
South Carolina 5-46035C1 Abbeville.....	96,470
Texas 5-46083E1 Fisher.....	138,000
Texas 5-46107D1 Martin.....	133,000
Texas 5-46124A2 Schleicher.....	90,000
Virginia 5-46022K1 Caroline.....	136,000
Virginia 5-46035D3 Madison.....	66,000

[SEAL] WILLIAM J. NEAL,  
Acting Administrator.

[F. R. Doc. 45-14077; Filed, July 31, 1945; 3:13 p.m.]

## INTERSTATE COMMERCE COMMISSION.

[2d Rev. S. O. 300, Special Permit 22]

## REFRIGERATION OF POTATOES FROM GREENPORT, LONG ISLAND, N. Y. AND FREEHOLD, N. J.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Second Revised Service Order No. 300 (10 F.R. 6802), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 300 insofar as it applies to the furnishing of standard refrigeration on cars of potatoes, PFE 45343 and FGE 52698, shipped from Greenport, Long Island (L. I.-P. R. R.-Sou.-F. E. C.) and WFE 65955, shipped from Freehold, New Jersey (P. R. R.-Sou.-F. E. C.); all shipped July 30, 1945, by F. H. Vahlsing, Inc., consigned to Sidney Alterman, Port Everglades, Florida.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 30th day of July 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-14117; Filed, Aug. 1, 1945; 10:58 a.m.]

## OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 500A-170]

## COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each and all of the identified persons to whom reference is made in Column 5 of Exhibit A attached hereto and made a part hereof [the names of which persons are listed (a) in Column 3 of said Ex-

hibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and the titles of the works covered by which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights] are nationals of one or more foreign countries;

2. Determining, therefore, that the property described as follows: All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of each and all of the identified persons to whom reference is made in Column 5 of said Exhibit A, and also of each and all other unidentified individuals who, as of the date of this order, are residents of, and of each and all other unidentified corporations, partnerships, associations or business organizations of any kind or nature which, as of the date of this order, are organized under the laws of, or have their principal places of business in, Germany, Italy, Japan, Bulgaria, Hungary, Rumania and/or any territory occupied by one or more of such six named countries, whether or not such unidentified persons are named elsewhere in this order or in said Exhibit A, in, to and under the following:

a. Each and all of the copyrights, if any, described in said Exhibit A;

b. Every copyright, claim of copyright and right to copyright in each and all of the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of

each and all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number;

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing;

d. All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

e. All rights of renewal, reversion or reversioning, if any, in any or all of the foregoing;

f. All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of one or more foreign countries;

3. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

4. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 2, to be held,

used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determinations of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian, to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on July 12, 1945.

[SEAL] FRANCIS J. McNAMARA,  
Deputy Alien Property Custodian.

Column 1	Column 2	Column 3	Column 4	Column 5
Copyright numbers	Titles of works	Names and last known nationalities of authors	Names and last known addresses of owners of copyrights	Identified persons whose interests are being vested
A for. 12914.....	Das Antlitz der Kindes, 1931.....	Karin Michaelis (nationality not established).	Neufeld and Henius Verlag, Berlin, Germany (nationality German).	Owner.
Unknown.....	Die Rausch- Und Genussgifte, 1933.....	Erich Hesse (nationality not established).	Ferdinand Enke, Stuttgart, Germany (nationality German).	Owner.
Unknown.....	Die Naphthensäuren, 1922.....	Dr. L. Budowski (nationality not established).	Julius Springer, Berlin, Germany (nationality German).	Owner.
Unknown.....	Handbuch der gesamten Parfümerie und Kosmetik. 3. völlig neubearb. Aufl., 1942.	Fred Winter (nationality not established).	Julius Springer, Wien, Germany (nationality German).	Owner.
Unknown.....	Rabenhorsts Kryptogrammen-Flora. 2. vollständig neu bearb. Aufl. 1927-1941.	Ludwig Rabenhorst (nationality not established).	Akademische Verlagsgesellschaft, Leipzig, Germany (nationality German).	Owner.
Unknown.....	Die Methode der Festpunkte zur Berechnung der statisch unbestimmten Konstruktionen mit zahlreichen Beispielen aus der Praxis insbesondere ausgeführten Eisenbetonwerken. 2. verb. und erweit. Aufl. 2 vols. in one. 1932.	Ernst Sauter (nationality not established).	Julius Springer, Berlin, Germany (nationality German).	Owner.

[F. R. Doc. 45-14028; Filed, July 31, 1945; 10:33 a. m.]

[Vesting Order 5157]

ANNA ZETERBERG

#### Correction

In the document appearing on page 9554 of the issue for Wednesday, August 1, 1945, the FEDERAL REGISTER serial number should read "45-14027".

[Vesting Order 5081]

NIKLAUS L. VACANO

In re: Thirteen diamonds owned by Niklaus L. Vacano.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Niklaus L. Vacano is 77 Sakura Gakko, Tokyo, Japan, and that he is a resident of Japan and a national of a designated enemy country (Japan);

2. That Niklaus L. Vacano is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows: Thirteen loose, cut diamonds presently located in blocked safe deposit Box No. 4493 leased by Benno Sternberg & Co., Inc., from the Guaranty Safe Deposit Company, 624 Fifth Avenue, New York, New York, believed to be particularly described in Exhibit A, attached hereto and by reference made a part hereof,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest

of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such prop-



erty or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 10, 1945.

[SEAL] FRANCIS J. McNAMARA,  
Deputy Alien Property Custodian.

## EXHIBIT A

No.:	Weight (carats)
9-----	9.35
1-----	1.58
1-----	4.65
1-----	3.70
1-----	4.72
13-----	24.00

[F. R. Doc. 45-14110; Filed, Aug. 1, 1945;  
10:22 a. m.]

[Vesting Order 5158]

HEDWIG SARAH BECK

In re: Trust under the will of Hedwig Sarah Beck, also known as Hedwig S. Beck, deceased; File No. D-28-8274; E. T. sec. 9436.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Erich Carl Beck, the issue, names unknown of Erich Carl Beck, Inge Beck Mousson, Ellen Beck, Klaus Beck, Mia Beck, and the heirs, distributees and next of kin, names unknown, of the issue of Erich Carl Beck, and each of them, in and to the Trust established under the Will of Hedwig Sarah Beck, also known as Hedwig S. Beck, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

## Nationals and Last Known Address

Erich Carl Beck, Germany.  
The issue, names unknown of Erich Carl Beck, Germany.  
Inge Beck Mousson, Germany.  
Ellen Beck, Germany.  
Klaus Beck, Germany.  
Mia Beck, Germany.  
The heirs, distributees and next of kin, names unknown, of the issue of Erich Carl Beck, Germany.

That such property is in the process of administration by Ellen Gertrude Lindenmeyr,

Edward Frederick William Beck and Carl Edward Lindenmeyr, as Co-executors and Trustees of the Trust under the will of Hedwig Sarah Beck, also known as Hedwig S. Beck, acting under the judicial supervision of the Surrogate's Court of Westchester County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 24, 1945.

[SEAL] FRANCIS J. McNAMARA,  
Deputy Alien Property Custodian.

[F. R. Doc. 45-14111; Filed, Aug. 1, 1945;  
10:22 a. m.]

[Vesting Order 5159]

KARL H. FISCHER

In re: Estate of Karl H. Fischer, deceased; File D-28-4291; E. T. sec. 7311.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Gertrude Fischer, Lotte (Lottie) Fischer and Ilse Fischer, and each of them, in and to the estate of Karl H. Fischer, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

## Nationals and Last Known Address

Gertrude Fischer, Germany.  
Lotte (Lottie) Fischer, Germany.  
Ilse Fischer, Germany.

That such property is in the process of administration by the Bank of Sheboygan, 622 North 8th Street, Sheboygan, Wisconsin, as Administrator of the estate of Karl H. Fischer, deceased, acting under the judicial supervision of the County Court of Sheboygan County, Wisconsin;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 24, 1945.

[SEAL] FRANCIS J. McNAMARA,  
Deputy Alien Property Custodian.

[F. R. Doc. 45-14112; Filed, Aug. 1, 1945;  
10:22 a. m.]

[Vesting Order 5160]

MONICA MONARSKI, ET AL.

In re: Monica Monarski vs. Marlon Greb, et al.; File D-28-7752; E. T. sec. 8352.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Marlon Greb, Wil-

liam Orthen, children, names unknown, of Marion Greb, children, names unknown, of William Orthen, and each of them, in and to that certain parcel of real property, and the proceeds thereof, which is the subject matter of the partition suit entitled "Monica Monarski vs. Marion Greb, et al." in the Superior Court of Cook County, Illinois, and which is particularly described as follows:

"Lot Ten (10) in Block Twenty-seven (27) in Rogers Park, a Subdivision of Sections Thirty (30), Thirty-one (31) and Thirty-two (32), Township Forty-one (41) North, Range Fourteen (14), East of the Third Principal Meridian in Cook County, Illinois, commonly known as Nos. 1626 to 1630 Lunt Avenue, Chicago, Illinois."

together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

#### Nationals and Last Known Address

Marion Greb, Germany.  
William Orthen, Germany.  
Children, names unknown, of Marion Greb, Germany.  
Children, names unknown, of William Orthen, Germany.

That such property is the subject of a judicial action or proceeding entitled Monica Monarski vs. Marion Greb, et al. now pending in the Superior Court of Cook County, Chicago, Illinois;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 24, 1945.

[SEAL] FRANCIS J. McNAMARA,  
Deputy Alien Property Custodian.

[F. R. Doc. 45-14113; Filed, Aug. 1, 1945; 10:23 a. m.]

## OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Administrative Order ODT 1-7A]

### CHIEF OF ALLOCATION SECTION, HIGHWAY TRANSPORT DEPARTMENT

#### DELEGATION OF AUTHORITY

Pursuant to § 503.11 (b) of Administrative Order ODT 1, as amended (9 F.R. 7506), and § 503.495 of Administrative Order ODT 29 (9 F.R. 14073):

1. Authority to sign, issue, and execute certificates of transfer pursuant to §§ 501.422 and 501.426 of General Order ODT 44A and § 503.473 (a) of Administrative Order ODT 27A, is hereby delegated to the Chief of the Allocation Section, Division of Equipment and Research, Highway Transport Department, Office of Defense Transportation.

2. The exercise of the powers, and authority conferred hereby shall be subject to the general control and supervision of the Director of the Office of Defense Transportation, the Director, Highway Transport Department, and the Division Director, Division of Equipment and Research.

Supplementary Administrative Order ODT 1-7 (9 F.R. 7508) is hereby revoked.

Issued at Washington, D. C., this 1st day of August 1945.

GUY A. RICHARDSON,  
Director,  
Highway Transport Department,  
Office of Defense Transportation.

[F. R. Doc. 45-14074; Filed, July 31, 1945; 3:28 p. m.]

[Supp. Administrative Order ODT 1-8A]

### REGIONAL DIRECTORS, HIGHWAY TRANSPORT DEPARTMENT

#### DELEGATION OF AUTHORITY

Pursuant to § 503.11 of Administrative Order ODT 1, as amended (9 F.R. 7506, 12422), and § 503.495 of Administrative Order ODT 29 (9 F.R. 14073):

1. Authority to establish local appeal boards as provided in Administrative Order ODT 27A and to fix the territory in which each such board shall function; to change the territorial jurisdiction of, or to disestablish, any local appeal board; to appoint members of local appeal boards and revoke any such appointments from time to time, is hereby delegated to the regional directors, Highway Transportation Department, Office of Defense Transportation, to be exercised by them within their respective regions.

2. The exercise of the powers and authority conferred hereby shall be subject to the control and supervision of the Di-

rector of the Office of Defense Transportation and the Director, Highway Transport Department.

Supplementary Administrative Order ODT 1-3 (9 F.R. 12554) is hereby revoked.

Issued at Washington, D. C., this 1st day of August 1945.

GUY A. RICHARDSON,  
Director,  
Highway Transport Department,  
Office of Defense Transportation.

[F. R. Doc. 45-14075; Filed, July 31, 1945; 3:23 p. m.]

## OFFICE OF PRICE ADMINISTRATION.

[MPR 161, Amdt. 4 to Order 53]

### WEST COAST LOGS

#### APPROVED GRADERS AND SCALEPS

For the reasons set forth in the accompanying opinion and under the authority vested in the Administrator by § 1381.158 of Revised Maximum Price Regulation 161, Order No. 53 is hereby amended as follows:

1. To the list of names of approved employees in paragraph (a) (3), add the name "James E. Garland."

This amendment shall become effective August 1, 1945.

Signed this 31st day of July 1945.

JAMES F. BROWLEE,  
Acting Administrator.

[F. R. Doc. 45-14033; Filed, July 31, 1945; 4:04 p. m.]

[RMFR 357, Order 4]

### INDIA TANNED GOATSKINS

#### MAXIMUM PRICES FOR IMPORTATION AND RE-SALE AFTER ARRIVAL IN UNITED STATES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 6 of Revised Maximum Price Regulation 357, it is ordered:

(a) The maximum prices at which any person may purchase, sell or deliver M in a circle mark East India tanned goatskins shall be the applicable maximum prices for corresponding grades, weights and selections of S. P. A. K. mark East India tanned goatskins established by sections 4 and 5 of Revised Maximum Price Regulation 357.

(b) This order may be amended or revoked at any time by the Office of Price Administration.

This Order No. 4 shall become effective August 2, 1945.

Issued this 1st day of August 1945.

JAMES F. BROWLEE,  
Acting Administrator.

[F. R. Doc. 45-14152; Filed, Aug. 1, 1945; 11:18 a. m.]

19 F.R. 9663, 13846, 14059; 10 F.R. 924, 2373, 4712.

[SR 15, Order 49]

## BADORF SHOE CO., INC.

## ESTABLISHMENT OF MAXIMUM PRICES

Order No. 49 under § 1499.75 (a) (10) of Supplementary Regulation 15 to the General Maximum Price Regulation. Badorf Shoe Company, Inc.; Docket No. 6064-SR 15.75 (a) (10)-44.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to § 1499.75 (a) (10) of Supplementary Regulation 15 to the General Maximum Price Regulation, it is ordered:

(a) *Maximum prices for sales of footwear by Badorf Shoe Company, Inc.—(1) Maximum prices.* On and after August 1, 1945, the maximum prices at which Badorf Shoe Company, Inc., Lititz, Pennsylvania, may sell and deliver the footwear described below to wholesalers and to chain stores and all other retailers shall be as follows:

## GRADE A FOOTWEAR

Description	Size run	"OPA Adjustment Charge" (Per Pair)	Adjusted maximum prices (per pair) (net)		
			Sales to wholesalers	Sales to chain stores	Sales to all other retailers
White kit boot.....	2-6	\$0.01	\$1.01	\$1.01	\$1.06
	6½-9	.05	1.22	1.22	1.27
White elk boot.....	2-6	.06	1.01	1.01	1.06
	6½-9	.10	1.20	1.20	1.25
Tan boot.....	2-6	.05	1.00	1.00	1.05
	6½-9	.10	1.20	1.20	1.25
	9½-12	.08	1.40	1.40	1.45
Black kid boot.....	2-6	.04	.99	.99	1.04
	6½-9	.08	1.18	1.18	1.23
	9½-12	.07	1.39	1.39	1.44
Patent boot.....	2-6	.03	.98	.98	1.03
	6½-9	.08	1.18	1.18	1.23
	9½-12	.06	1.38	1.38	1.43
White kid oxford.....	2-6	.02	.97	.97	1.02
	6½-9	.05	1.15	1.15	1.20
White elk oxford.....	2-6	.05	.96	.95	1.00
	6½-9	.10	1.15	1.15	1.20
	9½-12	.00	1.36	1.36	1.41
Tan elk oxford.....	2-6	.05	.96	.95	1.00
	6½-9	.09	1.14	1.14	1.19
	9½-12	.08	1.35	1.35	1.40
Patent oxford.....	2-6	.03	.94	.93	.98
	6½-9	.07	1.12	1.12	1.17
	9½-12	.06	1.33	1.33	1.38
Dull oxford.....	2-6	.04	.95	.94	.99
	6½-9	.08	1.13	1.13	1.18
	9½-12	.07	1.34	1.34	1.39
Patent cross buckle.....	2-6	.03	1.30	1.30	1.35
White cross buckle.....	2-6	.01	.92	.91	.96
	6½-9	.05	1.10	1.10	1.15
	9½-12	.06	1.33	1.33	1.38
Patent sandal.....	2-6	.04	1.31	1.31	1.36
White sandal.....	2-6	.02	.93	.92	.97
	6½-9	.06	1.11	1.11	1.16
	9½-12	.07	1.34	1.34	1.39

## GRADE B FOOTWEAR

Description	Size run	"OPA Adjustment Charge" (Per Pair)	Adjusted maximum prices (per pair) (net)		
			Sales to wholesalers	Sales to chain stores	Sales to all other retailers
White sheep boot.....	1-4	\$0.01	\$0.79	\$0.81	\$0.86
	2-6	.05	.87	.89	.95
	6½-9	.08	1.04	1.06	1.13
Tan boot.....	2-6	.06	.88	.86	.96
	6½-9	.11	1.07	1.05	1.16
	9½-12	.10	1.32	1.30	1.42
Black elk boot.....	2-6	.06	.88	.86	.96
	6½-9	.11	1.07	1.05	1.16
	9½-12	.10	1.32	1.30	1.42
Patent boot.....	2-6	.07	.89	.87	.97
	6½-9	.12	1.08	1.06	1.17
	9½-12	.11	1.33	1.31	1.43
White sheep oxford.....	2-6	.02	.80	.82	.87
	6½-9	.05	.96	.99	1.05
Tan elk oxford.....	2-6	.02	.80	.82	.87
	6½-9	.06	.97	1.00	1.06
	9½-12	.05	1.22	1.25	1.32
Black elk oxford.....	2-6	.02	.80	.82	.87
	6½-9	.06	.97	1.00	1.06
	9½-12	.05	1.22	1.25	1.32
Patent oxford.....	2-6	.03	.81	.83	.88
	6½-9	.07	.98	1.01	1.07
	9½-12	.06	1.23	1.26	1.33

## GRADE B FOOTWEAR—Continued

Description	Size run	"OPA Adjustment Charge" (Per Pair)	Adjusted maximum prices (per pair) (net)		
			Sales to wholesalers	Sales to chain stores	Sales to all other retailers
White sheep cross buckle.....	2-6	\$0.01	\$0.79	\$0.86	\$0.81
	6½-9	.04	.95	1.04	.98
Patent cross buckle.....	2-6	.03	.81	.83	.88
	6½-9	.06	.97	1.06	1.06
	9½-12	.10	1.27	1.30	1.37
White sheep sandal.....	2-6	.01	.92	1.01	.95
Patent sandal.....	2-6	.01	.79	.81	.86
	6½-9	.03	.94	.97	1.03
	9½-12	.09	1.26	1.29	1.36

(b) *Maximum prices for sales at wholesale.* The maximum price for a sale at wholesale of any shoe listed in paragraph (a), above, shall be the wholesaler's maximum price previously established under the General Maximum Price Regulation to which may be added the amount specified below. A wholesaler who has not previously established a maximum price for such shoe under the General Maximum Price Regulation may not in determining his maximum price, consider the "OPA adjustment charge" specified in subparagraph (a) (1) as a part of his net unit replacement cost for the shoe. To his maximum price otherwise determined he may add the amount specified below:

## GRADE A FOOTWEAR

Description	Size run	Amount of adjustment (per pair)
		Cents
White kid boot.....	2-6	1
	6½-9	3
White elk boot.....	2-6	4
	6½-9	7
Tan boot.....	2-6	2
	6½-9	7
	9½-12	6
Black kid boot.....	2-6	3
	6½-9	6
	9½-12	5
Patent boot.....	2-6	2
	6½-9	6
	9½-12	4
White kid oxford.....	2-6	1
	6½-9	4
White elk oxford.....	2-6	4
	6½-9	7
Tan elk oxford.....	2-6	6
	6½-9	3
	9½-12	6
Patent oxford.....	2-6	2
	6½-9	5
	9½-12	4
Dull oxford.....	2-6	3
	6½-9	4
	9½-12	5
Patent cross buckle.....	2-6	1
White cross buckle.....	2-6	2
	6½-9	4
	9½-12	4
Patent sandal.....	2-6	3
White sandal.....	2-6	1
	6½-9	4
	9½-12	6

## GRADE B FOOTWEAR

Description	Size run	Amount of adjustment (per pair)
		Cents
White sheep boot.....	1-4	0
	2-6	3
	6½-9	5
Tan boot.....	2-6	4
	6½-9	8
	9½-12	7
Black elk boot.....	2-6	4
	6½-9	8
	9½-12	7
Patent boot.....	2-6	5
	6½-9	8
	9½-12	8

## GRADE B FOOTWEAR—Continued

Description	Size run	Amount of adjustment (per pair)
		Cents
White sheep oxford.....	2-6	2
	6½-9	3
Tan elk oxford.....	2-6	2
	6½-9	4
	9½-12	4
Black elk oxford.....	2-6	4
	6½-9	4
	9½-12	4
Patent oxford.....	2-6	2
	6½-9	5
	9½-12	4
White sheep cross buckle.....	2-6	1
	6½-9	3
Patent cross buckle.....	2-6	2
	6½-9	4
	9½-12	7
White sheep sandal.....	2-6	1
	6½-9	1
Patent sandal.....	2-6	2
	6½-9	2
	9½-12	0

(2) *Invoicing of amounts of adjustment.* An amount of adjustment listed in subparagraph (b) (1), above, may be made and collected only if separately stated in the invoice accompanying each sale and delivery.

(c) *Maximum prices for sales at retail—(1) Sales subject to the General Maximum Price Regulation.* The maximum price for a sale or delivery at retail of any shoe listed in paragraph (a), above, shall be the retailer's maximum price previously established under the General Maximum Price Regulation and may not be increased by reason of the adjustment granted to Badorf Shoe Company, Inc., or to a wholesaler under this order. A retailer who has not previously established a maximum price therefor under the General Maximum Price Regulation may not, in determining his maximum price, consider either the "OPA adjustment charge" specified in paragraph (a), above, or the amount of adjustment specified in paragraph (b), above, as a part of his net unit replacement cost for the shoe.

(2) *Sales subject to Maximum Price Regulation 580.* The maximum price for a sale or delivery at retail of any shoe listed in paragraph (a), above, shall be the retailer's maximum price determined by applying to his invoice net cost, exclusive of both the "OPA adjustment charge" specified in paragraph (a), above, and the amount of adjustment specified in paragraph (b), above, the applicable pricing rule of section 7 of Maximum Price Regulation 580 and may not be increased by reason of the adjustment granted to Badorf Shoe Company, Inc. or to a wholesaler under this order.

(d) *Notification.* At the time of (or prior to) the first delivery of each shoe listed in paragraph (a), above, to a purchaser for resale on and after the date of this order at a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the applicable method established by paragraph (b) or (c), above, for determining maximum prices for resale of the footwear. This notice may be given in any convenient form.

(e) All requests not specifically granted by this order are hereby denied.

(f) This order may be amended, modified, revised or revoked by the Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14081; Filed, July 31, 1945;  
4:03 p. m.]

[MPR 188, Order 113 Under 2d Rev. Order A-3]

#### GLOBE-WERNICKE CO.

##### ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register; and pursuant to Second Revised Order No. A-3 under § 1499.159b of Maximum Price Regulation No. 188; It is ordered:

(a) *Manufacturer's maximum prices.* The Globe-Wernicke Co., of Carthage Avenue, Cincinnati, Ohio may sell and deliver the articles, listed below, which it manufactures, and which are described in the manufacturer's application dated March 21, 1945, at prices no higher than its maximum prices in effect immediately prior to the issuance of this order plus the appropriate one of the following adjustment charges:

Article	Adjustment charge
Group I 400 line wood filing cabinets:	
441—VI—green & Int. Wal.	\$5.51
442—VC—green & Int. Wal.	2.37
431—VI—green & Int. Wal.	1.45
421—VI—green & Int. Wal.	.68
Group II wood stationery items:	
#5 Wood Desk Stationery Cabinet Oak	1.83
Int. Wal.	1.79
7310 Peerless Tray Oak	.30
Int. Wal.	.14
7410 Peerless Tray Oak	.34
Int. Wal.	.27
7510 Peerless Tray Oak	.34
Int. Wal.	.25
35 CI Cabinet Oak	1.04
Int. Wal.	.89
46 CI Cabinet Oak	1.24
Int. Wal.	1.02
58 CI Cabinet Oak	1.29
Int. Wal.	1.07
Group III wood book cases:	
741—Top—plain oak	.25
Quartered oak	.36
Int. Wal.	.28
Int. Mahogany	.12
709—section—plain oak	.39
Quartered Oak	.51
Int. Wal.	.20
Int. Mahogany	.08
711—section—plain oak	.29
Quartered oak	.36
Int. wal.	.05
713—section—plain oak	.48
Quartered oak	.68
Int. wal.	.30
Int. mahogany	.12
7411—section—plain oak	.95
Quartered oak	1.32
Int. wal.	.88
Int. mahogany	.68
841—quartered oak	.85
Int. wal.	.89
Genuine wal.	.19
Genuine mahogany	.54
809—section—quartered oak	.91
Int. wal.	1.04
Genuine wal.	.06
Genuine mahogany	.19

Article	Adjustment charge
Group III wood book cases—Continued.	
811—Quartered oak	\$0.67
Int. wal.	1.11
Genuine wal.	.19
Genuine mahogany	.25
813—Quartered oak	1.36
Int. wal.	1.36
Genuine wal.	.41
Genuine mahogany	.54

On all sales other than sales to ultimate consumers, the adjustment charge provided herein may be made and collected only if stated separately on each invoice.

The maximum prices of the manufacturer, as adjusted, are subject to its customary terms, discounts, allowances and other price differentials in effect during March, 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect immediately before this order was issued, an adjustment charge in the same amount as the adjustment charge herein authorized and which he pays to his supplier. If he did not have a maximum price in effect for the article at the time this order was issued, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (not including the permitted adjustment charge) by using as cost his invoice cost less any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer this adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted price is subject to each seller's customary terms, discounts, and

allowances on sales of the same or similar articles.

(c) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale, showing a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted maximum prices for sales of the article covered by this order. This notice may be given in any convenient form.

(d) *Statements to be submitted to the Office of Price Administration.* After the effective date of this order, The Globe-Wernicke Co. shall submit to the Office of Price Administration, Washington, D. C., a detailed quarterly profit and loss statement, within thirty days after the close of each quarter.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14086; Filed, July 31, 1945;  
4:05 p. m.]

[MPR 120, Order 1437]

#### SLOAN COAL CO.

##### ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, It is ordered:

(a) The District No. 1 designation and former mine index numbers are hereby cancelled, and the District No. 2 designation, mine index numbers, maximum truck price group number, and railroad fuel price group letter are assigned the below listed mines as follows:

Mine name	Former Index No.	Former district No.	Owner	New district No.	New Index No.	Truck price group No.	Railroad fuel price group letter	Type of mine
Sloan #1	2163	1	Sloan Coal Co.	2	4344	10	B	Deep.
Sloan #2	1073	1	do	2	4345	10	B	Deep.

(b) Coals produced by Sloan Coal Company from the Sloan #1 and Sloan #2 Mines, Mine Index Nos. 4344 and 4345, in Armstrong County, Pennsylvania, in

Subdistrict No. 2 of District No. 2 may be purchased and sold for the indicated uses and movements at cents per net ton prices not exceeding the following:

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	F	F	E	E	E	E	F	F	F		
Rail shipment	324	324	319	319	319	329	329	329	274		
Truck shipment	429	429	429	374	374	374	269	269	269	269	269
Railroad fuel	329	329	329	329	329	314	269	269	274	274	

(c) The prices established herein are f. o. b. the mine or preparation plant for truck or wagon shipments, f. o. b. the rail or river shipping point for rail or river shipments, and f. o. b. the rail shipping point for railroad fuel for all uses.

(d) All prayers of the applicant not granted herein are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) Except as specifically provided in this order the provisions of Maximum

Price Regulation No. 120 governing the sale of bituminous coal shall remain in effect.

(g) The price classifications and mine index numbers assigned herein are permanent, but the maximum prices may be changed by order or amendment.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14082; Filed, July 31, 1945;  
4:04 p. m.]

[MPR 188, Amdt. 1 to Rev. Order 2545]

DIXIE CHAIR CO. AND CAROLINA CHAIR CO.  
APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered*, That Revised Order No. 2545 be amended in the following respect:

The first paragraph of paragraph (a) is amended to read as follows:

(a) This order establishes maximum prices for sales and deliveries of 18 upholstered chairs manufactured by Dixie Chair Company and Carolina Chair Company, both of Newton, North Carolina hereinafter called the manufacturer.

This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14084; Filed, July 31, 1945;  
4:04 p. m.]

[MPR 188, Rev. Order 3307]

DI CLEMENTE—VOLKE

APPROVAL OF MAXIMUM PRICES

Order No. 3307 under § 1499.158 of MPR 188 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered*:

(a) This revised order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Di Clemente—Volke, 4 Elton Street, Rochester, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from their own stock	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
Play pen.	40" x 40"	Each \$4.56	Each \$4.84	Each \$5.70

These prices are f. o. b. factory, are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated November 15, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this revised order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method § 1499.158; of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this revised order for sales by the purchaser. This notice may be given in any convenient form.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective on the 1st day of August 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14085; Filed, July 31, 1945;  
4:05 p. m.]

[RMPR 194, Order A-1]

WOMEN'S, GIRLS', CHILDREN'S AND INFANTS' OUTERWEAR GARMENTS

RETAILERS' MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 18 (a) of RMPR 194, it is ordered:

SECTION 1. *Scope of this order*—(a) *What garments are covered.* The garments covered by this order are the women's, girls', children's and infants' outerwear garments which are listed and described in section 9, Appendix A. Hereafter these outerwear garments are referred to as "garment" or "garments".

(b) *What kind of sales are covered.* This order applies to all sales at retail. All sales to individual ultimate consumers by persons who sell imported garments in substantially the same form in which they purchase them are "sales at retail". Sales to industrial, commercial or institutional users are also "sales at retail" if made by persons who sell principally to individual ultimate consumers.

(c) *What geographical areas are covered.* This order applies to the 2d and 4th Judicial Divisions, to the coastal towns on Bristol Bay and to the City of

Anchorage. "Judicial Divisions" refers to the four district court and recording divisions of the Territory of Alaska and their boundaries established by Chapter XII, Article I, Section 1091, Compiled Laws of Alaska, 1933.

(d) Relationship of this order to Revised Maximum Price Regulation 194. This order replaces the pricing provisions of sections 5 and 6 and modifies other provisions of Revised Maximum Price Regulation 194. All other provisions of Revised Maximum Price Regulation 194 not inconsistent with the provisions of this order remain in effect. All letters, letter-orders and general orders previously issued under MPR 194 or RMPR 194, approving or establishing your maximum price for any garment listed in Appendix A, are superseded by this Order A-1.

SEC. 2. *How to figure your ceiling prices under this order.* Your ceiling price for a garment shall be your net invoice cost thereof plus a markup of 85% on such cost. (This calculation can be easily made by multiplying the net invoice cost by 1.85).

(a) "Net invoice cost" means the price you paid to your supplier after deducting all discounts except the discount for prompt payment up to and including 8%. "The price you paid to your supplier" must not exceed your supplier's ceiling price.

(b) "Supplier" means a manufacturer or wholesaler. Your ceiling prices for garments purchased from another retailer are established under this order by Section 3.

(c) Do not include as part of your "net invoice cost" any commission (including but not limited to a resident buyer's commission), service, premium, transportation or any other charge not specifically provided for in this order.

SEC. 3. *Maximum prices for garments which have been bought from another retailer.* If the garment you sell was purchased from another retailer in Alaska, your ceiling price shall be your supplier's retail ceiling price for that garment as established by this order. If the garment you sell was purchased from another retailer in the continental United States, your ceiling price shall be your supplier's retail ceiling price for that garment as established by the applicable regulation in the continental United States. Transportation or other similar charges may not be added.

SEC. 4. *Marking of garments.* Each garment sold must be marked in accordance with the requirements of either paragraph (a) or (b) below.

(a) *What marking is required.* On and after September 1, 1945, you may not sell, offer for sale or deliver any garment unless it is marked with a label or ticket containing all of the following information:

(1) The name of your supplier as it appears on your purchase invoice.

(2) Your purchase invoice number.

(3) Your supplier's lot number. This must be a different number for each group of garments having a different ceiling price. Style number may be substituted for lot number if each group of garments having a different ceiling price carries a different style number.



(4) Your ceiling price in one of the following ways: "Our ceiling \$-----"; or, "Ceiling price \$-----".

#### EXAMPLE OF MARKING

John Smith Company  
Invoice No. 164  
Lot No. 111  
Ceiling price \$16.50

(b) You may substitute for the information specified in subparagraphs (1), (2) and (3) of paragraph (a) above, any other method of marking which will be easiest for you, *Provided*, That the garment so marked can be readily traced to the garment on the invoice covering your purchase of that garment. (For example, you may arrange your purchase invoices in alphabetical or chronological order and mark each invoice with a code symbol of your own such as a number or letter or a combination of the two, and then mark the label or ticket itself with a corresponding identification.)

#### EXAMPLE OF MARKING

Invoice Code No. 45  
Garment Code No. D  
Ceiling price \$34.75

(c) *Manner of marking.* The required marking must be attached to each garment by stitching, adhesive, pins or staples, or by some other method which attaches the label or ticket securely to the garment. All the words and figures on the label or ticket must be clearly visible to the purchaser. The label or ticket shall not be removed but must remain attached to the garment when delivered to the purchaser.

SEC. 5. *Sales slips, receipts and invoices.* Regardless of whether the buyer requests it, you must give the buyer a sales slip, receipt or invoice showing (a) the date, (b) your name and address, (c) a description of each garment sold, and (d) the price received for each garment. You must make a duplicate copy of such sales slip, receipt or invoice and mark thereon the same information that is marked on the label or ticket attached to the garment pursuant to section 4. All duplicate sales slips, receipts or invoices must be kept at your place of business and preserved for inspection by the OPA so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

SEC. 6. *Preserving purchase invoices.* Section 10 (b) (2) of Revised Maximum Price Regulation 194 requires you to preserve all purchase invoices. You must continue to preserve the purchase invoices which you heretofore received and hereafter receive for all garments covered by this order. You must keep these invoices in alphabetical, numerical or chronological order, or according to some other recognized filing system. All such invoices must be kept at your place of business and preserved for inspection by the OPA for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

SEC. 7. *Service charges.* If prior to April 1, 1942, you customarily supplied repair, alteration or remodeling services in connection with the sale of any garment subject to this order without extra charge, you may not curtail, change

or discontinue such services without reducing your ceiling price by an amount which will compensate the customer for such curtailment, change or discontinuance. If you customarily made an extra charge for a service and such charge was in effect during March 1942, or if you were not in business prior to April 1, 1942, the charge for a service must be determined under Revised Maximum Price Regulation 165—Services. Any extra charge for a service must be stated separately on the sales slip furnished pursuant to section 5 of this order.

SEC. 8. *Adjustment of maximum prices in special cases—(a) Nationally advertised garments.* You may apply for adjustment to the Territorial Director if you can show all of the following:

(1) That your maximum price for a garment established under this order is less than the maximum retail price fixed by the manufacturer of the garment;

(2) That the garment and the price so fixed are nationally advertised by the manufacturer;

(3) That you are required by the manufacturer to observe such nationally advertised price;

(4) That such garment, or similar garments produced by such manufacturer, was generally sold at retail at prices no lower than the nationally advertised prices within the locality of your selling establishment.

In such case the Territorial Director is authorized to increase the retailers maximum price to the nationally advertised price.

SEC. 9. *Appendix A—Garments which must be priced under this order.* The garments listed below, if made from yard goods (including knitted fabrics and laces), must be priced under this order. Uniforms, work clothing, sportswear and utility wear are included within the classifications of garments given below. Garments made of artificial leather are, however, excepted. "Boys" are included within the term "children's" as used in this order, except such garments as are generally known in the trade as "boys" rather than "children's" garments.

(a) *Coats.* "Coats" include all outerwear garments commonly known as coats, untrimmed, trimmed, fur-trimmed and fur-lined, including capes and wraps, but not including rainwear garments. "Rainwear garments" are those which are commonly regarded as having their chief use as protection against rain.

(b) *Suits.* "Suits" include all outerwear garments of two or more pieces commonly known as suits, untrimmed, trimmed and fur-trimmed.

(c) *Jackets.* "Jackets" include all outerwear garments commonly known as jackets, including boleros, jerkins, wes-kits and other garments of the same type.

(d) *Skirts.* "Skirts" include all outerwear garments commonly known as skirts, including culottes.

(e) *Dresses.* "Dresses" include all outerwear garments of one or more pieces commonly known as dresses, including dresses used for street, evening, house or utility wear. Bridal gowns, jumpers, pinafores, brunch coats, smocks and similar garments are considered to be dresses.

(f) *Blouses.* "Blouses" include all outerwear garments, commonly known as blouses or shirtwaists.

(g) *Snowsuits.* "Snowsuits" include all outerwear garments commonly known as snowsuits or ski suits.

(h) *Leggings and Legging Sets.* "Leggings" and "legging sets" include all outerwear garments commonly known as leggings and legging sets.

(i) *Ski pants.* "Ski pants" include all outerwear garments commonly known as ski pants.

(j) *Slacks.* "Slacks" include all outerwear garments commonly known as slacks, including slacks with any attached sleeveless bodice commonly known as "overalls" or "jumperalls".

(k) *Slack suits.* "Slack suits" include all outerwear garments commonly known as slack suits or slack sets. Garments commonly known as "coveralls" are included.

SEC. 10. *Revocation, amendment.* This Order No. A-1 may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 15, 1945.

NOTE: The record-keeping provisions in this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14106; Filed, July 31, 1945; 4:06 p. m.]

[MPR 260, Order 205, Amdt. 1]

NATHAN ELSON & Co. Inc.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1353.102 (b) of Maximum Price Regulation No. 260; It is ordered, That:

The maximum prices for "Ben Bay Cadets" in Paragraph (a) of Order No. 205 under Maximum Price Regulation 260, are amended to read as follows:

Brand	Size or frontmark	Pack- ing	Maxi- mum list price	Maxi- mum retail price
Ben Bay.....	Cadets.....	50	Per M \$75	Cents 10

This amendment shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14037; Filed, July 31, 1945; 4:08 p. m.]

[MPR 260, Order 1670]

JESUS DIAZ

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pur-

suant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Jesus Diaz, Juan R. Quinones #15, Gurabo, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Tubanitos.....	4½"	50	Per M \$32	Cents 4

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14088; Filed, July 31, 1945; 4:06 p. m.]

[MPR 260, Order 1671]

LOUIS ALEXANDER

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Louis Alexander, 3404 Kensington Avenue, Philadelphia 34, Pa. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
The Alexander Cigar.	Finos.....	50	Per M \$72.00	9
	Perfectos.....	50	82.50	11
	Corona.....	50	82.50	11

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order; but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales

of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14089; Filed, July 31, 1945; 4:07 p. m.]

[MPR 260, Order 1672]

FRED WILDMAN

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Fred Wildman, 1328 Union Ave., Sheboygan, Wis. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Banker.....	4½"	50	Per M \$64	Cents 8

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or

frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14090; Filed, July 31, 1945;  
4:07 p. m.]

[MPR 260, Order 1673]

I. ROMANO

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) I. Romano, 1901 Lexington Ave., New York, N. Y. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Traymore.....	Ideals.....	50	Per M \$139	Cents 18

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14091; Filed, July 31, 1945;  
3:59 p. m.]

[MPR 260, Order 1674]

#### SABAT ENCARNACION

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered, That:*

(a) Sabat Encarnacion, Calle Tapiacallyon Vara #5, Santurce, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
S. Encarnacion..	Brava Corriente.	50	Per M \$43	Cents 5

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14092; Filed, July 31, 1945;  
3:59 p. m.]

[MPR 260, Order 1675]

JOSÉ P. RAMÍREZ.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Jose P. Ramirez, Ponce, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Jose P. Ramirez.	Cortado 4½"	50	Per M \$40	Cents 5

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which

maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14093; Filed, July 31, 1945;  
3:59 p. m.]

[MPR 260, Order 1676]

CARLOTA LOZANO

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Carlota Lozano, Ave. del Rio, No. 45 Lioza St., Santurce, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Carlota Lozano.	Breva Pequeña.	50	Per M \$24	Cents 3

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size

or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14094; Filed, July 31, 1945;  
4:00 p. m.]

[MPR 260, Order 1677]

MANUEL FRANCESCHI

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Manuel Franceschi, Guayabal, Juana Diaz, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Manuel Franceschi.	Brevas 4½"	50	Per M \$10	Cents 6
	Corona 4½"	50	50	40
	Brevas 5½"	50	50	60

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or front-

mark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14095; Filed, July 31, 1945;  
4:00 p. m.]

[MPR 260, Order 1678]

JOSE V. LOPEZ

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Jose V. Lopez, Bo. Brooklyn, Cayuás, P. R. (hereinafter called "man-

ufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Jose V. Lopez	Breva Corona 4 1/2"	50	Per M \$45	Cents 0
	Breva Centric	50	32	4

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14096; Filed, July 31, 1945;  
4:00 p. m.]

[MPR 260, Order 1679]

JUAN DELGADO

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Juan Delgado, Eugenio Maria de Hostos #27, Caguas, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Juan Delgado	Sublimes	50	Per M \$101.25	Cents 2 for 27
	Queens	50	75.75	2 for 21

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.



(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14097; Filed, July 31, 1945;  
4:00 p. m.]

[MPR 260, Order 1680]

JOSE M. FRERRIA, JR.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Jose M. Frerria, Jr., P. O. Box 3685, Santurce, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
A O E.....	A O E.....	50	Per M \$48	Cents 6
Queen.....	Queen 5".....	50	56	7
Boston Blum.....	Boston Blum.....	50	56	7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic

cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14098; Filed, July 31, 1945;  
4:01 p. m.]

[MPR 260, Order 1682]

SEBASTIAN MARTINEZ

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Sebastian Martinez, Calle Ermita, Coamo, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Sebastian Martinez.....	Corona 4 1/4".....	50	Per M \$40	Cents 5

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14100; Filed, July 31, 1945;  
4:01 p. m.]

[MPR 260, Order 1684]

HARRY G. FISHEL

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Harry G. Fishel, 73 East High St. (Rear), Red Lion, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Black Arrow.....	Perfecto.....	50	Per M \$75	Cents 10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14102; Filed, July 31, 1945; 4:07 p. m.]

[MPR 260, Order 16395]

PABLO HERNANDEZ

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Pablo Hernandez, De Diego St., Carolina, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Pablo Hernandez.	Corona.....	50	Per M \$40	Cents 6

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14103; Filed, July 31, 1945; 4:07 p. m.]

[MPR 260, Order 16395]

METROPOLITAN CIGAR CO.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Metropolitan Cigar Company, Main Street, Yoe, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Union League Club.	Invincible.....	50	Per M \$64	Cents 8

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials al-

lowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14104; Filed, July 31, 1945;  
4:08 p. m.]

[MPR 260, Order 1687]

G. & S. CIGAR CO.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Lloyd G. Graham & N. M. Shellenberger, d/b/a G. & S. Cigar Co., Red Lion, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
El-Marina.....	Kings.....	50	Per M \$72	Cents 9

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 1, 1945.

Issued this 31st day of July 1945.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 45-14105; Filed, July 31, 1945;  
4:08 p. m.]

[MPR 571, Order 1]

#### RENTAL OF CERTAIN TYPES OF - COMMERCIAL MOTOR VEHICLES

##### BARE TRUCK RENTALS ON CONSTRUCTION PROJECTS IN REGION 5

For the reasons set forth in the accompanying opinion and under the authority vested in the Office of Price Administration by section 5 (a) and 14 of Maximum Price Regulation 571, it is hereby ordered:

(a) *Applicability.* (1) The maximum rates which may be charged for "bare" rentals of automotive equipment of the described types on construction projects in Region 5 (Texas, Oklahoma, Kansas, Missouri, Arkansas, and Louisiana) are set forth in Appendix "A" hereto. On and after August 1, 1945, the rates herein specified shall govern on all such rentals regardless of any other provisions of Maximum Price Regulation 571. (2) Rentals on a partially maintained or fully maintained basis are not subject to this order, but remain subject to the general provisions of Maximum Price Regulation 571.

(b) *Modification of rates.* The Administrator may by order authorize rentals other than those provided in this order, either lower or higher, applicable to particular construction projects, where it is demonstrated that due to conditions peculiar to the project, the rates herein established are either higher or lower than would be generally fair and equitable, to either lessee or lessor.

(c) *Effective date of order.* As to any person who performed the same type of rental services on construction projects in March, 1942 and has a maximum rate under section 4 of the regulation properly reported under section 15 (b), or any person whose maximum rate was previously adjusted or established as provided in sections 5 or 8 of Maximum Price Regulation 571, this order applies to all rentals on and after the effective date of this order. As to any person who has not so established rental rates for the same or similar rental services, the rates prescribed herein constitute a price determination under section 5 (a) of the regulation and apply to all rentals made on and after February 3, 1945, the effective date of Maximum Price Regulation 571.

(d) *Effect on applications under section 5 (a).* Any person subject to this order is exempt from the requirement of section 5 (a) as to the filing of a price determining application.

This order may be revoked or amended at any time.

This order shall become effective August 1, 1945.

Issued this 1st day of August 1945.

CHESTER BOWLES,  
Administrator.

## APPENDIX A

## RENTALS OF MOTOR VEHICLES, TRAILERS AND ACCESSORIAL EQUIPMENT ON BARE BASIS

DESCRIPTION	Maximum rate per month of 240 hours
<b>Part I</b>	
Pickup truck, to and including ¾-ton	985.00
Pickup truck, 1-ton	95.00
Pickup truck, 1½-ton	100.00
Station wagons or passenger cars	100.00
1-ton flat bed, stake truck, or tractor	95.00
1½-ton flat bed, stake truck, or tractor	150.00
2-ton flat bed, stake truck, or tractor	230.00
2½-ton flat bed, stake truck, or tractor	225.00
3-ton flat bed, stake truck, or tractor	250.00
3½-ton flat bed, stake truck, or tractor	275.00
4-ton flat bed, stake truck, or tractor	300.00
4½-ton flat bed, stake truck, or tractor	350.00
5-ton flat bed, stake truck, or tractor	400.00
6-9-ton flat bed, stake truck, or tractor	450.00
10-14-ton flat bed, stake truck, or tractor	500.00
15-18-ton flat bed, stake truck, or tractor	600.00
Add the following rates per month for:	
(1) Power-operated winch	50.00
(2) Oil field bed, gin pole, boomers, and chains	50.00
(3) Tandem-drive axle	50.00
(4) Water tank (minimum of 500 gallons)	25.00
<b>Part II. Trailers</b>	
Pole type	50.00
Float or semi (12½-ton pay load)	75.00
Full four wheel (12½-ton pay load)	85.00
Tandem float (30-ton pay load)	250.00
Low boy carry-all 10-15-ton capacity	125.00
Low boy carry-all 20-25-ton capacity	200.00
Low boy carry-all 30-35-ton capacity	250.00
Low boy carry-all 40-60-ton capacity	300.00

**Part III. Application of Rates**

(a) The monthly rates established herein are based upon a usage of 240 hours per month. For actual use for more than 240 hours during one monthly period, the maximum additional rental price for each additional hour, or part of an hour, for such actual use shall be calculated upon the basis of ¼ of the applicable rate per month shown in the foregoing schedule.

(2) If used for a part of a monthly period, the maximum rental rate for such part of the monthly period shall be calculated upon the basis of the higher of: (1) ⅓ of the applicable monthly rate for each daily period, or part thereof, of possession or (2) ¼ of the applicable monthly rate for each hour, or part thereof, of actual use.

(c) All fuel and lubricants used in the operation of motor vehicles shall be furnished (or paid for) by the Lessee.

(d) Drivers' wages are excluded from all rates indicated hereon.

**Part IV. Definition and General Provisions**

"Bare" basis refers to any lease, contract, or understanding, regardless of whether the same is denominated a rental agreement, or forms a part of another agreement, whereby one party undertakes to furnish another party with any of this equipment, without supplying any operating and maintenance services required therewith.

Rental rates set forth in this table are for "bare" motor vehicles or trailers, and do not include charges for drivers, mechanics, greasers, gasoline, fuel oil, lubricants, repairs, or maintenance (except that due to normal wear and tear), or any other charge which is properly a part of operating and maintenance service. The rental rates set forth in this table include an allowance for the cost of all repairs and overhauling required as a result of normal wear and tear of vehicles. This means that:

(a) When vehicles are on bare rental and break down as a result of normal wear and tear, lessor cannot charge lessee with the cost

of repairs, or any rental for the time lost while repairs are being made.

(b) Where vehicles on bare rental break down as a result of any cause other than normal wear and tear, lessor can charge lessee with the cost of repairs and with rental for possession of vehicles during the time while repairs are being made.

(c) However, where vehicles are on bare rental, the lessee may at his own expense always make minor repairs, regardless of the cause of breakdown, where such repairs are necessary to keep the job going, but he may not charge the cost of such repairs to the lessor or deduct the time lost for making repairs from the rental period, without the lessor's consent.

(d) In any instance where there is a breakdown of vehicles on bare rental, the cause of such breakdown is a question of fact that must be determined between the lessor and the lessee.

(e) A bare rental contract may provide for the assumption by the lessee of the duty to make all repairs and replacements at his own cost and expense, including those resulting from normal wear and tear and including tire repair or replacement, provided that in such event the rental shall not exceed 85% of the applicable maximum rental rate set forth in this table. By way of illustration but not limitation, such a lessee may be required to pay the entire cost of a repair or replacement necessitated by climatic conditions, fire, flood, tornado, etc., while the vehicle is or was in his possession, and the normal wear and tear resulting from his use and may be required to pay rental during the repair period. He may be required to pay a proportion of the cost of tires; for example, based upon his mileage use as compared with the normal mileage life of the tires. However, he shall not be required to pay for repair or replacement due to pre-existing or hidden defects, or to defective material, nor would he be required to pay rental during the repair period.

[F. R. Doc. 45-14153; Filed, Aug. 1, 1945; 11:16 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-1035]

CENTRAL VERMONT PUBLIC SERVICE CORP. AND VERMONT UTILITIES, INC.

## MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 31st day of July 1945.

We have before us applications and declarations filed by Central Vermont Public Service Corporation (Central Vermont) and Vermont Utilities, Inc. (Utilities) relating to the merger of the latter company into the former and transactions incidental thereto. Utilities is presently a subsidiary of Central Vermont. Both companies are subsidiaries of New England Public Service Company and Northern New England Company, both registered holding companies.

In our findings, opinion and order of April 2, 1945, entered in these proceedings, we granted exemption from the provisions of section 6 (a) of the Public Utility Holding Company Act of 1935, pursuant to the third sentence of section 6 (b), of the issue and sale by Central Vermont of 40,000 shares of its common stock, no par value, and the issue and sale of \$6,967,000 principal amount of its First Mortgage Bonds, Series D, due 1975. The applications and declarations now under consideration were included in the same filing, but inasmuch as requisite stockholder approvals and State Commission authorizations with respect to the proposed merger and transactions incidental thereto had not been obtained, we reserved jurisdiction as to such matters.<sup>1</sup> Our findings and opinion of April 2, 1945 gave a description of the property being merged and of the effect of the merger, and reference to such opinion is hereby expressly made.

The transactions now under consideration include the following:

(1) Amendment of the Articles of Association of Central Vermont to add to the purposes stated therein the express purpose of the carrying on of the telephone business now conducted by Utilities.

(2) Acquisition by Central Vermont and disposition by Utilities, under and pursuant to the agreement of merger, of all of the assets of Utilities.

(3) Cancellation of the promissory note of Utilities in the principal amount of \$50,000 now owned by Central Vermont.

(4) Cancellation of 14,000 shares of capital stock of Utilities now owned by Central Vermont.

(5) Assumption by Central Vermont of liability upon the \$138,000 principal amount of First Mortgage Bonds, Series A, 4%, due January 1, 1967, of Utilities.

The filing also states that the \$138,000 principal amount of First Mortgage Bonds, Series A, of Utilities are to be redeemed at the current call price of 106% of the principal amount, plus accrued interest.

<sup>1</sup> Central Vermont Public Service Corporation, et al., — S. E. C. (1945), Holding Company Act Release No. 5709.

These transactions have now received requisite stockholder approvals and the authorizations of the Public Service Commission of the State of Vermont, the State Commission of the state in which the applicants and declarants are organized and doing business, and of the Public Service Commission of New Hampshire, the State Commission of the state in which Central Vermont also does business.

Insofar as the amendment to the Articles of Association of Central Vermont may be subject to sections 6 (a) (2) and 7 of the Act, we find that the requirements of these sections are satisfied.

The acquisition by Central Vermont of the electric utility assets, having been expressly authorized by the State Commissions having jurisdiction, is exempt from the requirements of sections 9 (a) and 10 by virtue of the exemptive provisions of section 9 (b) (1), and the Federal Power Commission has passed on this phase of the transaction. On the other hand, the disposition by Utilities of its electric utility assets is subject to the provisions of sections 12 (d) and 12 (f) and Rules U-43 and U-44. We observe no basis for making adverse findings under these sections and rules.

The cancellation of the promissory note of Utilities in the principal amount of \$50,000 now owned by Central Vermont is subject to the requirements of section 12 (c) and Rule U-42, as is also the cancellation of 14,000 shares of capital stock of Utilities. We make no adverse finding with respect thereto. The assumption by Central Vermont of liability upon the \$138,000 principal amount of First Mortgage Bonds, Series A, 4%, due January 1, 1967, of Utilities may be considered as exempt from the provisions of section 6 (a), having been approved by the two State Commissions. The acquisition of the telephone assets of Utilities is to be considered as the acquisition of an interest in the business and is therefore subject to the provisions of section 10. We observe no basis for making adverse findings under section 10 (b) and find that the requirements of section 10 (c) (1) are satisfied.<sup>2</sup>

It is therefore ordered, That the aforesaid applications and declarations filed by Central Vermont Public Service Corporation and Vermont Utilities, Inc. be, and hereby are, granted, and be, and hereby are, permitted to become effective, subject to the terms and provisions of Rule U-24 and to Conditions 3 and 4 of our order of April 2, 1945.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-14156; Filed, Aug. 1, 1945;  
11:35 a. m.]

<sup>2</sup> This finding is made solely on the basis of Condition 3 of our order of December 29, 1944 in Central Vermont Public Service Corporation, — S. E. C. — (1944), Holding Company Act Release No. 5532, in which we required Central Vermont to dispose of its interest in the telephone assets within one year from the date of such order. This requirement, of course, remains in full force and effect.

[File No. 68-41]

# NORTHERN STATES POWER CO.

## NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of July 1945.

In the matter of H. M. Foster, Chairman, V. E. Mikkelsen, Secretary-Treasurer, of preferred stockholders' committee, 6% and 7% preferred stock, Northern States Power Company, a Delaware Corporation.

Notice is hereby given that H. M. Foster, Chairman, V. E. Mikkelsen, Secretary-Treasurer, of a committee representing the 6% and 7% Preferred Stock of Northern States Power Company, a Delaware Corporation (Northern), have filed with the Commission a document entitled a post amended declaration, petition and application (Amendment No. 3) regarding a proposed solicitation of authorizations from holders of the 6% and 7% preferred stock of Northern.

All interested persons are referred to said document which is on file in the office of this Commission, the substance of which is summarized as follows:

Said amended declaration, petition and application (declaration) states that an executive committee is made up of the following committee members holding the amount of stock indicated:

H. M. Foster:

228 shares of 6% preferred stock.  
55 shares of 7% preferred stock.

H. F. Neuman:

55 shares of 6% preferred stock.  
185 shares of 7% preferred stock.

V. E. Mikkelsen: Owns no preferred stock.

T. W. Larson: 60 shares of 7% preferred stock.  
W. A. Conley: 40 shares of 7% preferred stock.

The committee states that it represents approximately 383 individual stockholders, holding 11,366 shares of 6% and 7% preferred stock of Northern.

The committee proposes, subject to certain stated restrictions, to make a solicitation for (1) a further representation of the 6% and 7% preferred stockholders of Northern in all actions, proceedings and elections relating to such preferred stock in any court or before any agency or body and (2) voting proxies to attend and vote at any meeting of stockholders of Northern for the election of a board of directors.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration, and that said declaration shall not become effective except pursuant to further order of the Commission.

It is ordered, That a hearing on such matters under the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules thereunder be held on August 31, 1945, at 10:00 a. m., e. v. t., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated at such time by the hearing room clerk in Room 318. All persons desiring to be heard or

otherwise wishing to participate in the proceedings shall notify the Commission in the manner provided by Rule XVII of the Commission's rules of practice, on or before August 27, 1945.

It is further ordered, That Henry C. Lank or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing above ordered. That officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said petition or declaration, particular attention will be directed at the hearing to the following matters and questions:

1. Whether said declaration, as amended, should be permitted to become effective as being consistent with the standards of sections 11 (g) and 12 (e) of the act.

2. Whether it is necessary to impose any terms or conditions to insure compliance with the standards of the act.

It is further ordered, That the Secretary of the Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to the declarants and to Northern States Power Company, a Delaware corporation, and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-14155; Filed, Aug. 1, 1945;  
11:35 a. m.]

[File Nos. 54-45, 59-48]

# SOUTHERN UNION GAS COMPANY, ET AL.

## ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of July, A. D., 1945.

Southern Union Gas Company ("Southern Union"), formerly a registered holding company and presently an operating gas utility company, having filed applications, in the form of amendments (designated as Amendment Nos. 17 and 18) to the application originally filed herein by Southern Union and other companies of the Southern Union holding company system for approval of a plan of system reorganization submitted pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, requesting in the present applications Commission approval of a proposed sale of its Oklahoma gas properties to Kingfisher Gas Company for a cash consideration of \$237,000 (of which \$5,000 is for warehouse stocks), of a proposed sale of its Oklahoma water properties to Kingfisher Water Company for a cash consideration of \$70,000, and of a proposed sale of both



its Oklahoma gas and water properties to either of said purchasers, in the event that the other of said purchasers fails to consummate acquisition of the properties proposed to be sold to it; and

E. R. Bahan, Walter J. Bahan, and Merle A. Bahan having filed an application pursuant to sections 9 (a) (2) and 10 of the act regarding the proposed acquisition of 20%, 30%, and 30%, respectively, of the voting securities of Kingfisher Gas Company; and

Public hearings having been held in connection with such applications, after appropriate notice, and the Commission having considered the record and having made and filed its finding herein;

*It is ordered*, That the aforesaid applications regarding the proposed sale by Southern Union of its Oklahoma gas properties to Kingfisher Gas Company and of its Oklahoma water properties to Kingfisher Water Company, and regarding the proposed acquisition by E. R. Bahan, Walter J. Bahan, and Merle A. Bahan of 20%, 30%, and 30%, respectively, of the voting securities of Kingfisher Gas Company be, and hereby are, granted subject to the terms and conditions prescribed in Rule U-24.

*It is further ordered*, That jurisdiction be, and hereby is, reserved over the application of Southern Union requesting Commission approval of a proposed sale of both its Oklahoma gas and water properties either to Kingfisher Gas Company or to Kingfisher Water Company.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 45-14154; Filed, Aug. 1, 1945;  
11:35 a. m.]

## WAR MANPOWER COMMISSION.

[Amdt. 1]

SYRACUSE, N. Y., AREA

### EMPLOYMENT STABILIZATION PROGRAM

Section 20 of the employment stabilization program for the Syracuse Area, dated July 1, 1944, is hereby amended to read as follows:

SEC. 20. *Exclusions from plan.* No provision of this employment stabilization plan shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of an employee in any territory or possession of the United States, except Alaska and Hawaii;

(c) The hiring by a foreign, State, County or municipal government, or their political subdivisions, or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, County or municipal government, or political subdivision or agency, or instrumentality has indicated its willingness to conform to the maximum extent practicable under the Constitution and laws applicable to it, with the plan;

(d) The hiring of a new employee for domestic service;

(e) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

Dated: February 24, 1945.

THOMAS J. CONCORAN,  
Area Director.

Approved: February 24, 1945.

ANNA M. ROSENBERG,  
Regional Director.

[F. R. Doc. 45-13900; Filed, July 23, 1945;  
11:11 a. m.]

[Amdt. 2]

SYRACUSE, N. Y., AREA

### EMPLOYMENT STABILIZATION PROGRAM

Section 2 (e) of the employment stabilization program for the Syracuse Area, dated July 1, 1944, is hereby amended to read as follows:

(e) "New employee" means any individual who has not been in the employ of the hiring employer at any time during the preceding 30-day period.

Dated: March 28, 1945.

THOMAS J. CONCORAN,  
Area Director.

Approved: March 28, 1945.

ANNA M. ROSENBERG,  
Regional Director.

[F. R. Doc. 45-13901; Filed, July 23, 1945;  
11:11 a. m.]

[Amdt. 3]

SYRACUSE, N. Y., AREA

### EMPLOYMENT STABILIZATION PROGRAM

Section 2 (d) and (f), section 7 (a) and (f), section 9, section 11 (c), section 14 (a), section 16 (a), section 21, section 27 and 27 (c) (1), and section 28 (b) of the employment stabilization program for the Syracuse Area, dated July 1, 1944, is hereby amended to read as follows:

SEC. 2. *Definitions.* \* \* \*

(d) "Essential employee" means any individual employed in an essential activity or in a locally needed activity, and he shall continue to be an essential employee during a 60-day period after he ceases to be employed in such essential or locally needed activity. For the purpose of this definition, the said 60-day period shall be extended to include any period of time during which such individual has obtained or continued in other employment without having first obtained a statement of availability or referral by the USES or other authorized referral channel.

(i) "New employee" means any individual who has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

SEC. 7. *Issuance of statements of availability by employers.* \* \* \*

(a) He has been discharged, or his employment has been otherwise terminated by his employer. A worker shall be deemed to have been discharged for all purposes of this plan, if, after leaving his employment and failing to qualify for a statement of availability he is directed by the United States Employment Service, and agrees to return to his former employment, and the employer thereupon refuses to reemploy him in his former or in a comparable position without prejudice to his seniority and other rights, unless the employer is prevented from so doing by the terms of an existing collective bargaining agreement or an established seniority rule, provided that under such circumstances, the employer offers to reemploy the individual in the same or an equivalent job without prejudice to his then existing rights, or

(b) He has been laid off for an indefinite period, or for a period of seven days or more, or

(c) Continuance of his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof.)

NOTE: Male workers receiving statements of availability from their employers may not be hired upon presentation of the statement of availability by the new male employee. A male worker shall present the statement of availability to the United States Employment Service of the War Manpower Commission for referral by it to a new job.

SEC. 9. *Surrender, filing and inspection of statements of availability or referral card.* The original statement of availability issued to an employee or referral card must be surrendered by him at the time of hiring, to the new employer who shall file and retain such statement or referral card and make his file available for inspection upon request by the United States Employment Service of the War Manpower Commission.

SEC. 11. *Workers who may be hired only upon referral by the United States Employment Service.* \* \* \*

(c) The new employee was engaged in an essential or locally needed activity within the preceding 60-day period and he is to be hired for work in a less essential activity.

SEC. 14. *Employment ceilings.* (a) The Area Manpower Director, in consultation with the Area Manpower Priorities Committee, may establish fair and reasonable employment ceilings and allowances which limit or reduce the number of workers or of specified types of workers to be employed in an establishment or place of employment.

SEC. 16. *Soliciting and advertising.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual, if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

(a) No employer in the Syracuse Area except as provided herein may:

(1) Conduct initial interviews with male workers except those excluded by section 20.

(2) Advertise for male workers without clearance and approval by the United States Employment Service except that: \* \* \*

NOTE: The first quoted statement above is to be modified to substitute Railroad Retirement Board Employment Service or U. S. Civil Service Commission, where appropriate.

SEC. 21. *Hiring or leaving contrary to plan.* Any employer shall, upon written request of the United States Employment Service, promptly release:

(a) Any worker whom it has hired contrary to the provisions of this plan; or

(b) Any worker whom it has hired upon referral of such worker by the United States Employment Service, if such referral was made as a result of misrepresentation, and if such referral would not have been made except for such misrepresentation.

(c) Any worker released pursuant to the foregoing provision of this section shall be re-transferred by the United States Employment Service in accordance with the best interests of the war effort and in such manner as to do justice to the worker and the employer. Appeals from such decision involving re-transfer may be had in the same manner as in the case of original transfers.

SEC. 27. *Enforcement of plan.* If the Area Director determines, after notice and opportunity to be heard, that an employer is not conforming to this plan, he shall in writing, notify the employer of such determination and of the employer's opportunity to appeal this determination under appeal procedure of the War Manpower Commission as provided in Regulation No. 5. In the absence of an appeal, or upon final decision after appeal, affirming the Area Director's determination, the Area Director shall make such reports and recommendations to the Regional Director as may be appropriate to secure the employer's conformance with the plan.

(c) \* \* \*

(1) *Penalties against employees.*

(i) Fine not to exceed \$1,000, or,  
(ii) Imprisonment not to exceed one year, or

(iii) Both such fine and imprisonment.

SEC. 28. *Effective date, amendment and termination.* \* \* \*

(b) This plan may be amended from time to time by the Area Director, after consultation with the Area Management Labor War Manpower Committee and with the approval of the Regional Director.

Dated: June 22, 1945.

THOMAS J. CORCORAN,  
Area Director.

Approved: June 22, 1945.

ANNA M. ROSENBERG,  
Regional Director.

[F. R. Doc. 45-13902; Filed, July 28, 1945;  
11:12 a. m.]

#### WAR PRODUCTION BOARD.

[C-400]

F. C. THOROLD

CONSENT ORDERS

F. C. Thorold, 400 Sherman Building, Flint, Michigan, is charged by the War Production Board with having done construction in October 1944 and thereafter of a residence on Route 2, Eight Miles South of Tawas City, Michigan, the estimated cost of which was in excess of the amount permitted by Limitation Order L-41; to wit, \$2,700.00. F. C. Thorold admits the violation as charged, does not desire to contest the charge and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of F. C. Thorold, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered, That:*

(a) F. C. Thorold shall do no construction on the premises on Route 2, Eight Miles South of Tawas City, Michigan including putting up, altering, or finishing the structure unless hereafter specifically authorized in writing by the War Production Board or Federal Housing Administration.

(b) Nothing contained in this order shall be deemed to relieve F. C. Thorold from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) The restrictions and prohibitions contained herein shall apply to F. C. Thorold, his successors and assigns, or persons acting on his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

Issued this 30th day of July 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-13975; Filed, July 30, 1945;  
11:14 a. m.]

[C-402]

BIRCHWOOD BUILDERS, INC.

#### CONSENT ORDER

Birchwood Builders, Inc., a corporation of the State of New Jersey, and Charles Costanzo its President, with principal place of business at 591 North Forest Drive, Teaneck, New Jersey, engaged in the business of building and constructing, is charged with having violated War Production Board Order P-55 in that during the period from April, 1942 to and including June 1, 1945, the corporation sold 15 units of defense housing at a price, to wit, \$4,990 which was in excess of the price authorized by the War Production Board for such sale, to wit, the sum of \$4,500.

Wherefore, upon the agreement and consent of Birchwood Builders, Inc., and Charles Costanzo, its President, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner: *It is hereby ordered, That:*

(a) For a period of three months from effective date of this order, deliveries of materials to Birchwood Builders, Inc. and Charles Costanzo, its President, their successors and assigns, shall not directly or indirectly be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Birchwood Builders, Inc. and Charles Costanzo, their successors and assigns, from any restrictions, prohibition, or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 7, 1945.

Issued this 31st day of July 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-14054; Filed, July 31, 1945;  
11:20 a. m.]